



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 6]
No. 6]

नई दिल्ली, शनिवार, फरवरी 8, 1997/माघ 19, 1918
NEW DELHI, SATURDAY, FEBRUARY 8, 1997/MAGHA 19, 1918

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

विधि और न्याय मंत्रालय
(विधि कार्य विभाग)
(न्यायिक अनुभाग)
सूचना

MINISTRY OF LAW AND JUSTICE
(Department of Legal Affairs)
(Judicial Section)
NOTICE

नई दिल्ली, 17 जनवरी, 1997

New Delhi, the 17th January, 1997

का.आ. 257:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में समक्ष प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री चन्द्रकान्त चड्ढा, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे पटियाला हाऊस कोर्ट, राष्ट्रीय राजधानी दिल्ली में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

S.O. 257.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Mr. Chander Kanta Chadha, Advocate for appointment as a Notary to practise in Patiala House Court, N.C.T. of Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[सं. 5(4)/97-न्यायिक]

[No. F. 5(4)/97-Judl.]

एन.सी. जैन, समक्ष प्राधिकारी एवं अपर विधि सलाहकार

N. C. JAIN, Competent Authority &
Additional Legal Adviser.

सूचना

नई दिल्ली, 20 जनवरी, 1997

का.आ. 258:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में समक्ष प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री दलविंदर सिंह, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे तहसील बिलासपुर, जिला रामपुर (उत्तर प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(3)/97-न्यायिक]

एन.सी. जैन, समक्ष प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 20th January, 1997

S.O. 258.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Dalvinder Singh, Advocate for appointment as a Notary to practise in Teh. Bilaspur, Distt. Rampur, (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(3)/97-Judl.]

N. C. JAIN, Competent Authority & Additional Legal Adviser.

सूचना

नई दिल्ली, 20 जनवरी, 1997

का.आ. 259:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में समक्ष प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री श्रीनिवास राव कंचरालापल्ली, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे विजयवाड़ा, कृष्णा जिला (आंध्र प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(5)/97-न्यायिक]

एन.सी. जैन, समक्ष प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 20th January, 1997

S.O. 259.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules by Sh. Srinivasa Rao Kancharlapally, Advocate for appointment as a Notary to practise in Vijayawada (Andhra Pradesh) Krishna Distt.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(5)/97-Judl.]

N. C. JAIN, Competent Authority & Additional Legal Adviser.

सूचना

नई दिल्ली, 20 जनवरी, 1997

का.आ. 260:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में समक्ष प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री मोहन प्रकाश गुप्ता, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे नरवाणा, जिला जींद (हरियाणा) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(6)/97-न्यायिक]

एन.सी. जैन, समक्ष प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 20th January, 1997

S.O. 260.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Mohan Parkash Gupta, Advocate for appointment as a Notary to practise in Narvana, Distt. Jind, (Haryana).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(6)/97-Judl.]

N. C. JAIN, Competent Authority & Additional Legal Adviser

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 21 जनवरी, 1997

आदेश

का.भा. 261—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पश्चिम बंगाल की दिनांक 17 जुलाई, 1996 की अधिसूचना सं. 4545-पी. द्वारा प्राप्त सहमति से एतद्वारा हरे स्ट्रीट पुलिस स्टेशन, कलकत्ता में दया सिंह लाहोरिया उर्फ विनय कुमार, पुत्र श्री कृपाल सिंह और उनकी पत्नी सुमन सुद उर्फ कमलजीत कौर के विरुद्ध दिनांक 12-9-95 को दर्ज प्रथम सूचना रिपोर्ट सं. 403 के संबंध में भारतीय दंड संहिता की धारा 120-ख के साथ पठित धारा 467/468/471/420 के तहत दंडनीय अपराधों और उक्त मामले के संबंध में उसी तथ्य या तथ्यों से उत्पन्न होने वाले वैसे ही संव्यवहार के अनुक्रम में किया गया अथवा किए गए कोई अन्य अपराध, प्रयत्न, वृत्तेरणों तथा षड्यंत्रों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण पश्चिम बंगाल राज्य पर करती है।

[संख्या 228/2/97-ए.वी.डी.-II]

हरि सिंह, अवसर सचिव

MINISTRY OF PERSONNEL, P. G. AND PENSIONS
(Department of Personnel and Training)

New Delhi, the 21st January, 1997

ORDER

S.O. 261.—In exercise of the powers conferred by Sub-section (1) of Section 5, read with Section 6 of Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government, with the consent of the State Government of West Bengal vide its Notification No. 4545-P dated 17th July, 1996, hereby extends the powers and jurisdictions of the members of Delhi Special Police Establishment to the whole of the State of West Bengal for investigation of offences punishable under Sections 467/468/471/420 IPC read with Section 120-B IPC registered vide FIR No. 403 dated 12-9-95 of Hare Street Police Station, Calcutta, against Daya Singh Lahoria @ Vinay Kumar s/o Kripal Singh and his wife Suman Sood @ Kamaljit Kaur and any other offence(s) attempt(s), abetments and conspiracy in connection with the said offences in course of the same transaction or emerging out of the same fact or facts in relation to the aforesaid case.

[No. 228/2/97-AVD.II]

HARI SINGH, Under Secy.

नई दिल्ली, 27 जनवरी, 1997

भा.का. 262—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम

सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए असम राज्य सरकार को राजनीतिक "क" विभाग के अधिसूचना संख्या पी.एल. ए.-170/96/42 दिनांक 4-11-96 द्वारा प्राप्त सहमति से भा.द.सं. (1860 का अधिनियम सं. 45) की धारा 120 बी/122/123/307/326/302/427, धारा 10/13 यू.ए. (पी) अधिनियम, 1967 (1967 की अधिनियम सं. 37) के अधीन तिनसुकिया पुलिस थाना (असम) में दर्ज किए हुए मामला सं. 276/96 दिनांक 16-5-96 के अपराधों तथा उन्हीं तथ्यों से उद्भूत वैसे ही संव्यवहार के अनुक्रम में किए गए उक्त अपराधों और किसी अन्य अपराध अथवा अपराधों से संबंधित और संसक्त प्रयत्नों, वृत्तेरणों तथा षड्यंत्रों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तारण संपूर्ण असम राज्य पर करती है।

[सं. 228/75/96-ए.वी.डी.-II]

हरि सिंह, अवसर सचिव

New Delhi, the 27th January, 1997

S.O. 262.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of State Government of Assam, Political (A) Department vide Notification No. PLA. 170/96/42 dated 4-11-1996 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of State of Assam for investigation of the offences punishable under sections 120-B, 122, 123, 307, 326, 302, 427 of the Indian Penal Code, 1860 (Act No. 45 of 1860) and sections 10, 13 of the Unlawful Activities (Prevention) Act, 1967 (Act No. 37 of 1967) registered at Police Station, Tinsukia (Assam) in case No. 276/96 dated 16-5-1996 and for any other offence of attempt, abetment and conspiracy in relation to or in connection with the said offences committed in the course of same transaction or arising out of the same fact or facts in relation to the aforesaid case.

[No. 228/75/96-AVD.II]

HARI SINGH, Under Secy.

वित्त मंत्रालय
(राजस्व विभाग)

नई दिल्ली, 8 जनवरी, 1997

आदेश

स्टाम्प

का.आ. 263.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा मै. नेस्ले इंडिया लिमिटेड, नई दिल्ली को मात्र इकतालीस लाख पच्चीस हजार रु. का समेकित स्टाम्प शुल्क भुगतान करने की अनुमति देती है जोकि उक्त कम्पनी द्वारा जारी किए जाने वाले—

(क) मात्र तीस करोड़ रु. के कुल मूल्य के सममूल्य पर दिए जाने वाले प्रत्येक सौ-सौ रु. अंकित मूल्य के 1 से 30,00,000 तक की विनिष्ट संख्या वाले 17.5% ऋणपत्रों (पीपी-2 श्रृंखला); और

(ख) मात्र पच्चीस करोड़ रु. के कुल मूल्य के सममूल्य पर दिए जाने वाले प्रत्येक एक-एक लाख रु. अंकित मूल्य के 1 से 2500 तक की विनिष्ट संख्या वाले 17.5% ऋणपत्रों (पीपी-3 श्रृंखला), ।

पर स्टाम्प शुल्क के कारण प्रभाव्य हैं ।

[सं. 2/97-स्टाम्प/फा.सं. 15/13/96-बि.क.]

एस. कुमार, अध्वर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 20th January, 1997

ORDER

STAMPS

S.O. 263.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. Nestle India Limited, New Delhi to pay consolidated Stamp Duty of Rupees forty one lakhs twenty five thousand only, chargeable on account of the Stamp Duty on—

(a) 17.5 per cent Debentures (PP-2 Series) bearing distinctive numbers from 1 to 30,00,000 of the face value of Rupees one hundred each at par of the aggregate value of Rupees thirty crores only; and

(b) 17.5 per cent Debentures (PP-3 Series) bearing distinctive numbers from 1 to 2500 of the face value of Rupees one lakh each at par of the aggregate value of Rupees twenty five crores only,

to be issued by the said company.

[No. 2/97-Stamp/F. No. 15/13/96-ST]

S. KUMAR, Under Secy.

कार्यालय—आयुक्त, केन्द्रीय उत्पाद एवं सीमा शुल्क, आयुक्तालय

जयपुर, 17 जनवरी, 1997

सीमा शुल्क

का.आ. 264.—सीमा शुल्क अधिनियम, 1962 की धारा 152 के खंड (ए) के तहत भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली की अधिसूचना संख्या 33/94-सीमा शुल्क (एन.टी.) दिनांक प्रथम जुलाई, 1994 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, मै. महेंद्र प्रसाद, आयुक्त, केन्द्रीय उत्पाद एवं सीमा शुल्क, जयपुर एतद्वारा शत प्रतिशत इ.ओ.यू. स्थापित करने के उद्देश्य से सीमा शुल्क अधिनियम, 1962 की धारा 9 के अन्तर्गत राजस्थान राज्य के जयपुर जिले की तहसील चाकसु, गाँव शिवदासपुरा में स्थित रीकी इंडस्ट्रीयल एरिया, किलकीपुरी को भंडारागार स्टेशन (वेयर हाउसिंग स्टेशन) घोषित करता है ।

[सं. 1 सीमा शुल्क (एन.टी.) 97/फा.सं.अष्टम्

(एच) 40/2/कस्टम्स टी./97]

महेंद्र प्रसाद, आयुक्त

OFFICE OF THE COMMISSIONER OF CUSTOMS AND
CENTRAL EXCISE

Jaipur, the 17th January, 1997

CUSTOMS

S.O. 264.—In exercise of the powers delegated to the undersigned vide Notification No. 33/94-Customs (NT) dated the 1st July, 1994 by the Government of India, Ministry of Finance, Department of Revenue, New Delhi under clause (a) of Section 152 of the Customs Act, 1962, I, Mahendra Prasad, Commissioner of Customs and Central Excise, Jaipur hereby declare RIICO Industrial Area, Kilkipura, Village Shivdaspura, Tehsil Chaksu, District Jaipur in the State of Rajasthan to be a Warehousing Station under Section 9 of the Customs Act, 1962 for the purpose of setting up of 100 per cent Export Oriented Unit.

[No. 1 CUS(NT)97/F. No. VIII(M)40/2/CUS.T./97]

MAHENDRA PRASAD, Commissioner

(आर्थिक कार्य विभाग)

(बीमा प्रभाग)

नई दिल्ली, 19 नवम्बर, 1996

का.आ. 265.—जीवन बीमा निगम अधिनियम, 1956 (1956 का 31) की धारा 4 में प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निम्नलिखित व्यक्तियों को जीवन बीमा निगम के सदस्यों के रूप में तत्काल प्रभाव से नियुक्त करती है :

1 डा. किरीट पारेख, निदेशक, इंदिरा गांधी विकास अनुसंधान संस्थान मुम्बई ।

2. श्री सी.जी. सोमैया, भारत के नियंत्रक और महालेखा परीक्षक (सेवा निवृत्त), बंगलौर।
 3. न्यायमूर्ति बी. लेन्टिन, मुम्बई (सेवा निवृत्त)
 4. श्री राजेन्द्र चिताले, चार्टर्ड एकाउन्टेन्ट, चिताले एंड कम्पनी मुम्बई।
 5. कु. तरजानी वकील, भूतपूर्व अध्यक्ष एवं प्रबंध निदेशक, भारतीय आयात-निर्यात बैंक, मुम्बई।
 6. श्री प्रदीप मेहता, अध्यक्ष, उपभोक्ता एकता और न्यास सोसाइटी, जयपुर।
 7. प्रोफेसर के. एस. आर. मूर्ति, निदेशक, इंडियन इंस्टिट्यूट ऑफ मैनेजमेन्ट, बंगलौर
2. ये नियुक्तियाँ दो वर्ष की अवधि के लिए अथवा भ्रमले आदेश होने तक, जो भी पहले हो, होगी।

[फा. सं. 15/3/92-जीमा-V]

पी. के. तिवारी, उप सचिव

MINISTRY OF FINANCE
(Department of Economic Affairs)
(Insurance Division)

New Delhi, the 19th November, 1996

S.O. 265.—In exercise of the powers conferred by Section 4 of the Life Insurance Corporation Act, 1956 (31 of 1956), the Central Government hereby appoints the following persons as Members of the Life Insurance Corporation with immediate effect :

1. Dr. Kireet Parekh, Director, Indira Gandhi Institute of Development Research, Mumbai.
2. Shri C. G. Somiah, Comptroller and Auditor General of India (Retired), Bangalore.
3. Shri Justice (Retired) B. Lentin, Mumbai.
4. Shri Rajendra Chitale, Chartered Accountant, Chitale and Company, Mumbai.
5. Ms. Tarjani Vakil, Ex-CMD, Export-Import Bank of India, Mumbai.
6. Shri Pradeep Mehta, President, Consumer Unity and Trust Society, Jaipur.
7. Prof. K. S. R. Murthy, Director, Indian Institute of Management, Bangalore.

2. The appointments will be for a period of two years or until further orders, whichever is earlier.

[F. No. 15/3/92-Ins. V]

P. K. TIWARI, Dy. Secy.

नई दिल्ली, 20 जनवरी, 1997

का.आ. 266.—सरकारी स्थान (अप्राधिकृत अधिभोगियों को बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार वित्त मंत्रालय, आर्थिक कार्य विभाग के 26 जुलाई, 1989 के का.आ.सं. 13 का अतिक्रमण करते हुए, ऐसे अतिक्रमण से पहले किए गए कार्यों और करने के लिए छोड़े गए कार्यों को छोड़कर केन्द्रीय सरकार एतद्वारा निम्नलिखित सारणी के कालम (1) में उल्लिखित उन अधिकाधिकारियों को नियुक्त करती है जो सरकार के राजपत्रित अधिकारियों के स्तर के समकक्ष अधिकारी हों और उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी (एस्टेट आफिसर) होंगे। ये अधिकारी उक्त अधिनियम द्वारा प्रदत्त शक्तियों का प्रयोग करेंगे तथा उक्त अधिनियम के अधीन उक्त सारणी के कालम (2) में उल्लिखित सरकारी स्थानों के संबंध में सम्पदा अधिकारियों को सौंपे गए कार्यों को पूरा करेंगे।

सारणी

अधिकारी का पद	सरकारी स्थानों की श्रेणियाँ और क्षेत्राधिकार की स्थानीय सीमाएं
(1)	(2)
मुख्य महाप्रबन्धक/महाप्रबन्धक, भारतीय रिजर्व बैंक, मुम्बई।	भारतीय रिजर्व बैंक का अथवा उसके द्वारा अथवा उसकी ओर से मुम्बई, नवी मुम्बई और लोनावला में पट्टे पर लिया गया अवस्थित स्थान।
मुख्य महाप्रबन्धक/महाप्रबन्धक, भारतीय रिजर्व बैंक, कलकत्ता	भारतीय रिजर्व बैंक का अथवा उसके द्वारा अथवा उसकी ओर से कलकत्ता और दुर्गापुर में पट्टे पर लिया गया अवस्थित स्थान।

(1)

(2)

मुख्य महाप्रबन्धक/महाप्रबन्धक,
भारतीय रिजर्व बैंक, मद्रास (चेन्नई)

भारतीय रिजर्व बैंक का अथवा उसके द्वारा अथवा उसकी ओर से मद्रास (चेन्नई) और उदयमङ्गलम (ऊटी) में पट्टे पर लिया गया अवस्थित स्थान।

मुख्य महाप्रबन्धक/महाप्रबन्धक,
भारतीय रिजर्व बैंक, नई दिल्ली

भारतीय रिजर्व बैंक का अथवा उसके द्वारा अथवा उसकी ओर से दिल्ली, नई दिल्ली और मसूरी में पट्टे पर लिया गया अवस्थित स्थान।

मुख्य महाप्रबन्धक/महाप्रबन्धक,
भारतीय रिजर्व बैंक, कानपुर

भारतीय रिजर्व बैंक का अथवा उसके द्वारा अथवा उसकी ओर से कानपुर में पट्टे पर लिया गया अवस्थित स्थान।

मुख्य महाप्रबन्धक/महाप्रबन्धक,
भारतीय रिजर्व बैंक, बंगलौर

भारतीय रिजर्व बैंक का अथवा उसके द्वारा अथवा उसकी ओर से बंगलौर में पट्टे पर लिया गया अवस्थित स्थान।

मुख्य महाप्रबन्धक/महाप्रबन्धक,
भारतीय रिजर्व बैंक, नागपुर

भारतीय रिजर्व बैंक का अथवा उसके द्वारा अथवा उसकी ओर से नागपुर में पट्टे पर लिया गया अवस्थित स्थान।

मुख्य महाप्रबन्धक/महाप्रबन्धक,
भारतीय रिजर्व बैंक, पटना

भारतीय रिजर्व बैंक का अथवा उसके द्वारा अथवा उसकी ओर से पटना में पट्टे पर लिया गया अवस्थित स्थान।

मुख्य महाप्रबन्धक/महाप्रबन्धक,
भारतीय रिजर्व बैंक, हैदराबाद

भारतीय रिजर्व बैंक का अथवा उसके द्वारा अथवा उसकी ओर से हैदराबाद में पट्टे पर लिया गया अवस्थित स्थान।

मुख्य महाप्रबन्धक/महाप्रबन्धक,
भारतीय रिजर्व बैंक, गुवाहाटी

भारतीय रिजर्व बैंक का अथवा उसके द्वारा अथवा उसकी ओर से गुवाहाटी में पट्टे पर लिया गया अवस्थित स्थान।

मुख्य महाप्रबन्धक/महाप्रबन्धक,
भारतीय रिजर्व बैंक, अहमदाबाद

भारतीय रिजर्व बैंक का अथवा उसके द्वारा अथवा उसकी ओर से अहमदाबाद और गांधीनगर में पट्टे पर लिया गया अवस्थित स्थान।

मुख्य महाप्रबन्धक/महाप्रबन्धक,
भारतीय रिजर्व बैंक, जयपुर

भारतीय रिजर्व बैंक का अथवा उसके द्वारा अथवा उसकी ओर से जयपुर में पट्टे पर लिया गया अवस्थित स्थान।

मुख्य महाप्रबन्धक/महाप्रबन्धक (प्रभारी अधिकारी)
भारतीय रिजर्व बैंक, भुवनेश्वर

भारतीय रिजर्व बैंक का अथवा उसके द्वारा अथवा उसकी ओर से भुवनेश्वर में पट्टे पर लिया गया अवस्थित स्थान।

(1)

(2)

मुख्य महाप्रबन्धक/महाप्रबन्धक,
भारतीय रिजर्व बैंक, तिरुवनन्तपुरम ।

भारतीय रिजर्व बैंक का अथवा उसके द्वारा अथवा उसकी ओर
से तिरुवनन्तपुरम में पट्टे पर लिया गया अवस्थित स्थान ।

मुख्य महाप्रबन्धक/महाप्रबन्धक,
भारतीय रिजर्व बैंक, भोपाल

भारतीय रिजर्व बैंक का अथवा उसके द्वारा अथवा उसकी
ओर से भोपाल में पट्टे पर लिया गया अवस्थित स्थान ।

मुख्य महाप्रबन्धक/महाप्रबन्धक (प्रभारी अधिकारी)
भारतीय रिजर्व बैंक, चंडीगढ़

भारतीय रिजर्व बैंक का अथवा उसके द्वारा अथवा उसकी
ओर से चण्डीगढ़ और शिमला में पट्टे पर लिया गया
अवस्थित स्थान ।

महाप्रबन्धक (प्रभारी अधिकारी),
भारतीय रिजर्व बैंक, जम्मू

भारतीय रिजर्व बैंक का अथवा उसके द्वारा अथवा उसकी
ओर से जम्मू और श्रीनगर में पट्टे पर लिया गया
अवस्थित स्थान ।

महाप्रबन्धक (प्रभारी अधिकारी),
भारतीय रिजर्व बैंक, लखनऊ ।

भारतीय रिजर्व बैंक का अथवा उसके द्वारा अथवा उसकी ओर
से लखनऊ में पट्टे पर लिया गया अवस्थित स्थान ।

महाप्रबन्धक, विनिमय नियंत्रण विभाग,
भारतीय रिजर्व बैंक कोच्चि ।

भारतीय रिजर्व बैंक का अथवा उसके द्वारा अथवा उसकी
ओर से कोच्चि में पट्टे पर लिया गया अवस्थित स्थान ।

उप महाप्रबन्धक (प्रभारी अधिकारी),
विनिमय नियंत्रण विभाग, भारतीय रिजर्व बैंक,
पणजी ।

भारतीय रिजर्व बैंक का अथवा उसके द्वारा अथवा उसकी
ओर से पणजी में पट्टे पर लिया गया अवस्थित स्थान ।

प्रधानाचार्य,
कृषि बैंकिंग महाविद्यालय, भारतीय रिजर्व बैंक,
पुणे ।

भारतीय रिजर्व बैंक का अथवा उसके द्वारा अथवा उसकी
ओर से पुणे में पट्टे पर लिया गया अवस्थित स्थान ।

[फा.सं. 15/11/96/बी.ओ.ए.]

पो. मोहन, निदेशक

Department of Economic Affairs

(Banking Division)

New Delhi, the 20th January, 1997

ment of Economic Affairs S. O. No. 13 Dated 26 July, 1989 except as respect thing done or omitted to be done before such supersession, the Central Government hereby appoints the Officers mentioned in column (i) of the Table below, being officer equivalent to the rank of a gazetted officer of Government, to be estate officers for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officers by or under the said Act in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the Officer	Categories of public premises and local limits of jurisdiction
1	2
The Chief Gen. Manager/General Manager, Reserve Bank of India, Mumbai.	Premises belonging to, or taken on lease by, or on behalf of, the Reserve Bank of India, in Mumbai, Navi Mumbai and Lonavala.
The Chief Gen. Manager/General Manager, Reserve Bank of India, Calcutta.	Premises belonging to, or taken on lease by, or on behalf of the Reserve Bank of India in Calcutta and Durgapur.
The Chief Gen. Manager/General Manager, Reserve Bank of India, Madras (Chennai).	Premises belonging to, or taken on lease by, or on behalf of the Reserve Bank of India in Madras (Chennai) and Udagamārdalam (Ooty).
The Chief Gen. Manager/General Manager, Reserve Bank of India, New Delhi.	Premises belonging to, or taken on lease by, or on behalf of the Reserve Bank of India in Delhi/New Delhi and Mussoorie.
The Chief Gen. Manager/General Manager, Reserve Bank of India, Kanpur.	Premises belonging to, or taken on lease by, or on behalf of the Reserve Bank of India, in Kanpur.
The Chief Gen. Manager/General Manager, Reserve Bank of India, Bangalore.	Premises belonging to, or taken on lease by, or on behalf of the Reserve Bank of India in Bangalore.
The Chief Gen. Manager/General Manager, Reserve Bank of India, Nagpur.	Premises belonging to, or taken on lease by, or on behalf of the Reserve Bank of India in Nagpur.
The Chief Gen. Manager/General Manager, Reserve Bank of India, Hyderabad.	Premises belonging to, or taken on lease by, or on behalf of the Reserve Bank of India in Hyderabad.
The Chief Gen. Manager/General Manager, Reserve Bank of India, Guwahati.	Premises belonging to, or taken on lease by, or on behalf of the Reserve Bank of India in Guwahati.
The Chief Gen. Manager/General Manager, Reserve Bank of India, Ahmedabad.	Premises belonging to, or taken on lease by, or on behalf of the Reserve Bank of India in Ahmedabad and Gandhinagar.
The Chief Gen. Manager/General Manager, Reserve Bank of India, Jaipur.	Premises belonging to, or taken on lease by, or on behalf of the Reserve Bank of India in Jaipur.
The Chief Gen. Manager/General Manager, (Officer-in-Charge), Reserve Bank of India, Bhubaneswar.	Premises belonging to, or taken on lease by, or on behalf of the Reserve Bank of India in Bhubaneswar.
The Chief Gen. Manager/General Manager, Reserve Bank of India, Thiruvananthapuram.	Premises belonging to, or taken on lease by, or on behalf of the Reserve Bank of India in Thiruvananthapuram.
The Chief Gen. Manager/General Manager, Reserve Bank of India, Bhopal.	Premises belonging to, or taken on lease by, or on behalf of the Reserve Bank of India in Bhopal.

1	2
The Chief Gen. Manager/General Manager, (Officer-in-Charge) Reserve Bank of India, Chandigarh.	Premises belonging to, or taken on lease by, or on behalf of the Reserve Bank of India in Chandigarh and Shimla.
The General Manager, (Officer-in-Charge), Reserve Bank of India, Jammu.	Premises belonging to, or taken on lease by, or on behalf of the Reserve Bank of India in Jammu & Srinagar.
The Chief Gen. Manager/General Manager Reserve Bank of India, Patna.	Premises belonging to, or taken on lease by, or on behalf of the Reserve Bank of India in Patna.
The General Manager, (Officer-in-Charge), Reserve Bank of India, Lucknow.	Premises belonging to, or taken on lease by, or on behalf of the Reserve Bank of India in Lucknow.
The General Manager, Exchange Control Deptt., Reserve Bank of India, Kochi.	Premises belonging to, or taken on lease by, or on behalf of the Reserve Bank of India in Kochi.
The Dy. Gen. Manager, (Officer-in-Charge), Exchange Control Department, Reserve Bank of India, Panaji.	Premises belonging to, or taken on lease by, or on behalf of the Reserve Bank of India in Panaji.
The Principal, College of Agricultural Banking, Reserve Bank of India, Pune.	Premises belonging to, or taken on lease by, or on behalf of the Reserve Bank of India in Pune.

[F.No. 15/11/96-BOA]
P. MOHAN, DIRECTOR

उद्योग मंत्रालय
(औद्योगिक विकास विभाग)

आदेश

नई दिल्ली, 28 जनवरी, 1997

का.आ. 267.—मुख्य विस्फोटक नियंत्रक ने यह सिफारिश की है कि टीलायुक्त दाब पात्रों में द्रवीकृत पेट्रोलियम गैस का भंडारकरण भूमि के ऊपर वाले पात्रों में परंपरागत भंडारकरण के समान सुरक्षित और निरापद होगा:

और केन्द्रीय सरकार का यह समाधान हो गया है कि मैसर्स इंडियन आयल कारपोरेशन लिमिटेड एक पब्लिक सेक्टर उपक्रम ने इस आदेश में उपावह अनुसूची में यथा उल्लिखित तमिलनाडू राज्य में गांव मट्टापारै (मदुरै के पास) जिला दिण्डिगल अण्णा में अवसित अपने संस्थापन में अंतर्राष्ट्रीय मानकों के अनुसार द्रवीकृत पेट्रोलियम गैस का टीलायुक्त दाब पात्रों में निम्नतापी प्रौद्योगिक का प्रयोग करके भंडार में रखने का प्रस्ताव किया है;

अतः अब, केन्द्रीय सरकार, स्थिर एवं गतिशील दाब पात्र (अण्वलित) नियम, 1981. के (जिसे इसे इसमें इसके पश्चात् उक्त नियम कहा गया है) नियम 65 के अनुसरण में मैसर्स इंडियन आयल कारपोरेशन लिमिटेड को उक्त नियम के नियम 21 के उपनियम (1) और उपनियम (2) के उपबन्धों से गांव मट्टापारै जिला दिण्डिगल अण्णा,

तमिलनाडू राज्य में स्थित टीलायुक्त दाब पात्रों में द्रवीकृत पेट्रोलियम गैस के भंडारकरण के लिए उक्त नियम में विनिर्दिष्ट सभी अन्य उद्देश्यों के अधीन रहते हुए, छूट देती है।

[फा.सं. 2/3/95—विस्फोटक]

पुष्पेन्द्र राय, निदेशक

MINISTRY OF INDUSTRY
(Department of Industrial Development)
ORDER

New Delhi. the 28th January, 1997

S.O. 267.—Whereas the Chief Controller of Explosives has recommended that the storage of liquefied Petroleum Gas in the mounded pressure vessels will be safer and secured than conventional storage in above ground vessels;

And, whereas, the Central Government is satisfied that M/s. Indian Oil Corporation Limited, a Public Sector Undertaking, has proposed to store Liquefied Petroleum Gas in mounded pressure vessels as per the international standards in their installation located at village Mattapparai (near Madurai), District Dindigul Anna, in the State of Tamilnadu

Now, therefore, in pursuance of rule 65 of the Static or Mobile Pressure Vessels (Unfired) Rules, 1981 (hereinafter referred to as the said rules), the Central Government hereby exempts M/s. Indian Oil Corporation Limited, from the provisions of sub-rules (1) and (2) of Rule 21 of the said rules for storage of liquefied Petroleum Gas in mounded Pressure Vessels at Village Mattapparai, District Dindigul Anna, Tamilnadu, subject to the conditions that all other requirements of the said rules shall be complied with.

[F. No. 2/3/95-EXPL
PUSHPENDRA RAI, Director

कृषि मंत्रालय

(पशुपालन और डेयरी विभाग)

नई दिल्ली, 28 जनवरी, 1997

का.आ. 268:—भारतीय पशुचिकित्सा परिषद् अधिनियम, 1984 (1984 का 52) की धारा 15 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय पशुचिकित्सा परिषद् के परामर्श से, एतद्वारा उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :-

उक्त अधिनियम की प्रथम अनुसूची में, उप शीर्षक "उपाधि" के तहत, बिरसा कृषि विश्वविद्यालय, कान्के, रांची (बिहार) से संबंधित क्रम सं 49 के सामने कालम संख्या 3 में विद्यमान प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां रखी जाएं, अर्थात् :-

"बी.बी.एस.सी. एंड ए.एच.

जैसा कि पहले कहा गया है यह पशुचिकित्सा योग्यता केवल तभी मान्यता प्राप्त होगी जबकि यह 1 अप्रैल, 1981 को या उसके पश्चात् प्रदान की गई हो।"

[फाइल सं. 51-6/89-एल.डी.टी. (बी.सी.)]
एल. सी. मेहरा, अवर सचिव

नोट : भारतीय पशुचिकित्सा परिषद् अधिनियम, 1984 दिनांक 18 अगस्त, 1984 को (1984 की स. 52) के तहत भारत के राजपत्र में प्रकाशित हुआ था तथा उक्त अधिनियम की प्रथम अनुसूची बाद में निम्नलिखित सा.का. संख्या के तहत संशोधित हुई :-

- (1) सा.का. 2841, दिनांक 12-10-1990
- (2) सा.का. 823, दिनांक 20-04-1993
- (3) सा.का. 1165, दिनांक 4-4-1995
- (4) सा.का. 3252, दिनांक 13-11-1995 और
- (5) सा.का. 1411, दिनांक 19-4-1996

MINISTRY OF AGRICULTURE

(Department of Animal Husbandry and Dairying)

New Delhi, the 28th January, 1997

S.O. 268.—In exercise of the powers conferred by sub-section (2) of Section 15 of the Indian Veterinary Council Act, 1984 (52 of 1984), the Central Government, after consulting the Veterinary Council of India, hereby makes the following further amendment in the First Schedule to the said Act, namely :—

In the First Schedule to the said Act, under the sub-heading "DEGREES", against serial number 49 relating to Birsa Agricultural University, Kanke, Ranchi (Bihar), in column 3, or the existing entries, the following entries shall be substituted, namely :—

"B. V. Sc. & A. H.

This qualification shall be a recognised veterinary qualification as aforesaid only when granted on or after the 1st April, 1981."

[File No. 51-6/89-LDT(VC)]

L. C. Mahra, Under Secy.

Note.—The Indian Veterinary Council Act, 1984 was published in the Gazette of India vide (number 52 of 1984) dated the 18th August, 1984 and the First Schedule to the said Act, were subsequently amended vide number :—

- (i) S.O. 2841, dated 12-10-1990.
- (ii) S.O. 823, dated 20-04-1993.
- (iii) S.O. 1165, dated 04-04-1995.
- (iv) S.O. 3252, dated 13-11-1995, and
- (v) S.O. 1411, dated 19-04-1996.

गूचना और प्रसारण मंत्रालय

नई दिल्ली, 18 दिसम्बर, 1996

का.आ. 269.—चलचित्रिकी (प्रमाणन) नियम, 1983 के नियम 7 तथा 8 के साथ पठित चलचित्रिकी अधिनियम, 1952 की धारा-5 की उपधारा (1) में प्रदत्त शक्तियों का उपयोग करते हुए तथा इत मंत्रालय के दिनांक 21-12-94, 14-7-95 तथा 16-8-96 की समसंख्यक अधिसूचना के अनुसरण में केन्द्र सरकार श्री आर. हनुमन्त राव (553-ए तेयनापेट, माउंट रोड, चेन्नई-600018) को केन्द्रीय फिल्म प्रमाणन बोर्ड के मद्रास सलाहकार पैनल के सदस्य के रूप में 2 वर्ष की अवधि के लिए, अथवा अगले आदेशों तक, जो भी पहले हो, तत्काल प्रभाव से नियुक्त करती है।

[फा. संख्या 809/6/93-एफ. (सी)]

बी.के. मल्होत्रा, डेस्क अधिकारी

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 18th December, 1996

S.O. 269.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 read with Rule 7 and 8 of the Cinematograph (Certification) Rules, 1983 and in continuation of this Ministry's Notification of even number dated 21-12-94, 14-7-95 and 16-8-96 the Central Government is pleased to appoint Shri R. Hanumantha Rao (553-A, Teynapet, Mount Road, Chennai-600 018) as a member of the Madras advisory panel of the Central Board of Film Certification with immediate effect for a period of 2 years or until further orders, whichever is earlier.

[F. No. 809/6/93-F(C)]

V. K. MALHOTRA, Desk Officer

नई दिल्ली, 29 जनवरी, 1997

का. आ. 270 :—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में वाडीनार से मध्य प्रदेश राज्य में बीना तक पेट्रोलियम के परिवहन के लिए भारत ओमान रिफाईनरीज लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए ;

और कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

उक्त अनुसूची में वर्णित भूमि में हितवन्त कोई व्यक्ति, उस तारीख से, जिसको भारत के राजपत्र में यथाप्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाने के संबंध में या उनमें उपयोग के अधिकार का अर्जन करने संबंधी लिखित में आक्षेप, सूक्ष्म प्राधिकारी, भारत ओमान रिफाईनरीज लिमिटेड, 516—फोर वी कार्नर कॉम्प्लेक्स, सतलुज होटल के पास भुरावाव, गोधरा (गुजरात) पिन कोड-389001 को कर सकेगा।

अनुसूची

तालुक: बारिया जिला : मंचमाहल राज्य : गुजरात

गांव का नाम	क्षेत्र			
	सर्वेक्षण नं. / खंड नं.	हेक्टेयर	आरे	सेन्टी आरे
1	2	3	4	5
भाथवाडा	287	0	06	60
	283 पी	0	83	90
	282	0	01	70
असायडी	39/1	}	0	35
	39/3 + 2			
	38/1 + 3-पी	}	0	23
	38/2			
	38/4			
	37	0	37	44
	36	0	12	99
	35	0	15	85

1	2	3	4	5
नहेर	0	02	04	
66	0	29	27	
कार्टट्रेक	0	00	73	
63	0	07	93	
69	0	26	85	
70	0	18	35	
210	0	06	82	
रोड	0	05	60	
71	0	02	80	
72 पी सरकारी	0	04	22	
72 पी सरकारी	2	02	15	
212	0	24	15	
नहेर	0	02	00	
115 पी	}	2	11	72
115 पी				
115 पी				
130	0	20	78	
128/1	}	0	30	30
128/2				
कार्टट्रेक	0	01	50	
126/1	}	0	54	45
126/2				
135/पी	}	0	98	24
135/पी				
135/पी				
135/पी				
225	0	10	32	
224	0	58	85	
123	0	30	96	
121	0	04	08	
239	0	14	25	
119/1	0	32	05	
119/2	0	13	86	
सानीया	रोड	0	03	00
	342/5	0	06	44
	342/4	0	25	95
	342/3	0	10	35
	143	0	35	55
	142/1-पी	}	0	14
	142/2-पी			
	142/2-पी			
	142/3			
	140/1-पी	}	0	14
	140/1-पी			
	141/2	0	27	75

1	2	3	4	5	1	2	3	4	5
	141/1	0	21	30	577 सरकारी	573	0	53	97
	137-पी	0	17	85		कार्टट्रेक	0	00	90
	रेलवे	0	11	40		577 सरकारी	0	11	48
	125/1 }					576	0	02	47
	125/2 }	0	06	30		578	0	22	13
	रोड	0	08	70		281/1	0	23	70
	120/1	0	21	30		281/2	0	26	55
	120/2	0	21	4 5		281/3	0	28	35
रेवाडी	73	0	23	40		282	0	26	25
	कार्टट्रेक	0	01	24		283	0	37	33
	74	0	38	85		रोड	0	09	36
	76	0	35	10		253	0	28	20
	कार्टट्रेक	0	00	98		254	0	47	54
	70	0	02	27		255	0	27	68
	78	0	62	43		257	0	51	26
	80	0	69	81		256	0	04	92
	81	0	51	62		258	0	36	15
	82	0	32	80		261	0	37	35
						रोड	0	03	74
पिपलीद	39/5	0	17	70	पंचेला	114/1	0	10	87
	450/2	0	35	03		114/2	0	10	57
	449	0	42	98		114/3	0	11	25
	447	0	04	62		114/4	0	17	62
	418	0	28	43		113/1	0	06	89
	417	0	42	60		117 जंगल	2	12	20
	415/2	0	33	38		116/1	0	20	34
	कार्टट्रेक	0	01	80		116/2	0	09	14
	414	0	17	53					
	नाखा	0	07	08					
	335/2	0	76	95					
	337/1	0	12	71					
	337/2	0	24	02					
	नाखा	0	21	79					
	322	0	33	77					
	323	0	18	80					
	रोड	0	08	40					
	318	0	24	45					
	317	0	25	20					
	310	0	39	98					
	167	0	05	10					
	रेलवे	0	05	10					
	299	0	31	13					
	298	0	14	05					
	233	1	13	29					
	रोड	0	19	07					
	575 सरकारी	0	12	35					
	574	0	16	55					

[फा. सं. आर.-31015/21/96-प्रो. आर. II]
के. सी. कटोच, अवर सचिव

New Delhi, the 29th January, 1997

S.O. 270.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Vadinar in the State of Gujarat to Bina in the State of Madhya Pradesh a pipeline should be laid by the Bharat Oman Refineries Limited;

And whereas, that for the purpose of laying such pipeline, it is necessary to acquire the right of users in the lands described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the lands described in the said Schedule may within twenty-one days from the date on which

the copies of the notification, as published in the Gazette of India, are made available to the general public object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to the Competent Authority, Bharat Oman Refineries Limited, 5/6-Four way corner Complex, Near Sutluj Hotel, Bhuravav, Godhra Pin Code-389 001 (Gujarat).

SCHEDULE

Taluka : Bariya District : Panchmahal State : Gujarat

Name of Village	Survey/Block Number	Area		
		Hec-tare	Acre	Cent-tare
1	2	3	4	5
Bhathwada	287	0	06	60
	283 Paiki	0	83	90
	282	0	01	70
Asayadi	39/1	0	35	81
	39/3+2			
	38/1+3-Paiki			
	38/2	0	23	71
	38/4			
	37	0	37	44
	36	0	12	99
	35	0	15	85
	Canal	0	02	04
	66	0	29	27
	Cart track	0	00	73
	63	0	07	93
	69	0	26	85
	70	0	18	35
	210	0	06	82
	Road	0	05	60
	71	0	02	80
	72 Paiki Government	0	04	22
	72 Paiki Government	2	02	15
	212	0	24	15
	Canal	0	02	00
	115 Paiki			
	115 Paiki	2	11	72
	115 Paiki			
	130	0	20	78
	128/1	0	30	30
	128/2			
	Cart track	0	01	50
	126/1	0	54	45
	126/2			
	135/Paiki			
	135/Paiki	0	98	24
	135/Paiki			
	135/Paiki			
	135/Paiki			
	225	0	10	32
	224	0	58	85
	123	0	30	96
	121	0	04	08
	239	0	14	25
	119/1	0	32	05
	119/2	0	13	86
Saniya	Road	0	03	00
	342/5	0	06	44

1	2	3	4	5
	342/4	0	25	95
	342/3	0	10	35
	143	0	35	55
	142/1-Paiki			
	142/2 Paiki			
	142/2 Paiki	0	14	55
	142/3			
	140/1 Paiki			
	140/1 Paiki	0	14	60
	141/2	0	27	75
	141/1	0	21	30
	137 Paiki	0	17	85
	Railway	0	11	40
	125/1	0	06	30
	125/2			
	Road	0	08	70
	120/1	0	21	30
	120/2	0	21	45
Rebari	73	0	23	40
	Cart track	0	01	24
	74	0	38	85
	76	0	35	10
	Cart track	0	00	98
	70	0	02	27
	78	0	62	43
	80	0	69	81
	81	0	51	62
	82	0	32	80
Piplod	39/5	0	17	70
	450/2	0	35	03
	449	0	42	98
	447	0	04	62
	418	0	28	43
	417	0	42	60
	415/2	0	33	38
	Cart track	0	01	80
	414	0	17	53
	Nalla	0	07	08
	335/2	0	76	95
	337/1	0	12	71
	337/2	0	24	02
	Nalla	0	21	79
	322	0	33	77
	323	0	18	80
	Road	0	08	40
	318	0	24	45
	317	0	25	20
	310	0	39	98
	167	0	05	10
	Railway	0	05	10
	299	0	31	13
	298	0	14	05
	233	1	13	29
	Road	0	19	07
	575 Government	0	12	35
	574	0	16	55
	573	0	53	97
	Cart track	0	00	90
	577 Government	0	11	48
	576	0	02	47
	578	0	22	13
	281/1	0	23	70
	281/2	0	26	55
	281/3	0	28	35

1	2	3	4	5
	282	0	26	25
	283	0	37	33
	Road	0	09	36
	253	0	28	20
	254	0	47	54
	255	0	27	68
	257	0	51	26
	256	0	04	92
	258	0	36	15
	261	0	37	35
	Road	0	03	74
Panchela	114/1	0	10	87
	114/2	0	10	57
	114/3	0	11	25
	114/4	0	17	62
	113/1	0	06	89
	117 Forest	2	12	20
	116/1	0	20	34
	116/2	2	09	14

[File No. R-31015/21/96-OR-II]
K. C. KATOCH, Under Secy.

CORRIGENDUM

New Delhi, the 29th January, 1997

S.O. 271.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 2989, dated the 26th October, 1996, published in the Gazette of India, Part-II, Section 3, Sub-section (ii), at page 4169, issued under sub-section (1) of section-3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said act), the Central Government gave notice of its intention to acquire the land specified in the Schedule appended to that notification;

And, whereas, it has been brought to the notice of the Central Government that certain errors of the printing nature have occurred in the publication of the said notification in the gazette;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section-3 of the said Act, the Central Government hereby amends the Schedule appended to the aforesaid notification as follows :—

at page 4169, in Village Dakshin Rashulpur, after Plot no. 1830 the entries relating thereto, in columns 3, 4, 5, and 6, read "1832-0-0-28" respectively.

Any person interested in any land in respect of which the above amendment has been issued, may within twenty one days of the issue of this notification, object to the acquisition of the whole or any part of the said land or any right in or over such land in terms of sub-section (1) of section 5 of the said Act, to Shri Biswanath Bose, Competent Authority, Indian Oil Corporation Limited, Haldia-Barauni Crude Pipeline Project, Post Office—Khanjanchak, Basudavpur, District—Midnapur (West Bengal).

Explanation : In respect of the lands, plot numbers and areas amended through this notification only, the said period of twenty one days in terms of sub-section (1) of section 5 of the said Act, starts running from the date of notification is made available to the public after publication in the Gazette.

[No. R-31015/12/96-OR-I]

K. C. KATOCH, Under Secy.

नई दिल्ली, 30 जनवरी, 1997

का०आ० 272:—केन्द्र सरकार को यह प्रतीत होता है कि लोकहित में ऐसा करना आवश्यक है कि पश्चिमी बंगाल राज्य के हुलिया से बिहार राज्य के बरौनी तक पेट्रोलियम (क्रूड) के परिवहन के लिए इंडियन ऑयल कारपोरेशन लि० द्वारा पाइप- लाइन बिछाई जाए;

और यह प्रतीत होता है कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना के उपाखण्ड अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइप-लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उसमें उपयोग के अधिकार का अर्जन करने के लिए अपने आणख की घोषणा करती है।

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति उस तारीख से जिसको, राजपत्र में यथा प्रकाशित अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के संबंध में उसमें उपयोग के अधिकार का अर्जन करने संबंधी लिखित रूप में आक्षेप श्री वी०एन० अखौरी सक्षम प्राधिकारी द्वारा इंडियन ऑयल कारपोरेशन लिमिटेड, हुलिया-बरौनी (क्रूड) पाइपलाइन परियोजना, विलियम्स टाउन, कॉलेज रोड, देवघर-814112 (बिहार) को कर सकेगा।

अनुसूची

अंचल-नाला	जिला-दुमका	राज्य-बिहार			
गांव	थाना सं०	प्लॉट सं०	क्षेत्र		
			हैक्टे-यर	एयर	सेन्टी-एयर
1	2	3	4	5	6
राख	26	451	0	00	78
		450	0	00	36
		443	0	01	26
		442	0	00	66
		441	0	00	30
		440	0	00	36
		439	0	00	36

1	2	3	4	5	6
राख—जारी		437	0	03	42
डुमरिया	21	1511	0	00	81
कालीपाथर	4	262	0	00	40
अंचल-कुंडहीत जिला-डुमका राज्य-बिहार					
1	2	3	4	5	6
सुद्राक्षीपुर शीट-II	13	295	0	08	98

[सं० मार०-31015/20/96-ओ०प्रार०I]

के०सी० कटोच, अवर सचिव

New Delhi, the 30th January, 1997

S.O. 272.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum (crude) from Haldia in the state of West Bengal to Barauni in the state of Bihar, pipeline should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in the exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of the right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in land described in the said schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India are made available to general public objection in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri V.N. Akhauri, Competent Authority, Indian Oil Corporation Limited, Haldia-Barauni Crude Pipeline Project, Williams Town, College Road, Deo-ghar-814112 (Bihar).

SCHEDULE

Anchal : Nala District : Dumka State : Bihar

Village	Thana No.	Plot No.	Area		
			Hectare	Ares	Centiare
1	2	3	4	5	6
Rakh	26	451	0	00	78
		450	0	00	36
		443	0	01	26
		442	0	00	66
		441	0	00	30
		440	0	00	36
		439	0	00	36
Dumaria	21	437	0	03	42
		1511	0	00	81
Kalipathar	4	262	0	00	40

Anchal : Kundahit District : Dumka State : Bihar

Village	Thana No.	Plot No.	Area		
			Hectares	Ares	Centiares
1	2	3	4	5	6
Sudrakhipur	13	295	0	08	98
Sheet II					

[No. R-31015/20/96-OR-I]
K. C. KATOCH, Under Secy.

नई दिल्ली, 30 जनवरी, 1997

का०आ० 273:—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में ऐसा करना आवश्यक है कि पश्चिमी बंगाल राज्य के हल्दिया से बिहार राज्य के बरौनी तक पेट्रोलियम (क्रूड) के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लि० द्वारा पाइपलाइन बिछाई जाए;

और यह प्रतीत होता है कि पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना के उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उसमें उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा करती है।

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, ईक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के संबंध में उसमें उपयोग के अधिकार का अर्जन करने संबंधी लिखित रूप में आक्षेप श्री वी०एन० अखौरी, सक्षम प्राधिकारी द्वारा इंडियन ऑयल कॉर्पोरेशन लिमिटेड हल्दिया-बरौनी पाइपलाइन परियोजना विलियम्स टाउन, कलिज रोड, देवघर-814112 (बिहार) को करा सकेगा।

अनुसूची

अंचल-देवघर		जिला-देवघर		राज्य-बिहार	
गांव	थाना सं०	प्लॉट सं०	क्षेत्र		
			हेक्टेयर	एयर	सेन्टीएयर
1	2	3	4	5	6
गरजौरा	2	1151	0	02	02
		1152	0	06	47

1	2	3	4	5	6
बध्नाकेन्दुआ	217	620	0	00	81
		608	0	00	40
		351	0	01	62
		350	0	03	21
		510	0	00	40
		569	0	02	43
		568	0	02	43
सरसा	226	1031	0	00	40
कृसमाहा	222	949	0	00	81
		983	0	02	43
		825	0	03	21
		893	0	00	40
बसमतडीह	228	23	0	00	40
		42	0	03	61
		43	0	00	81
		41	0	01	21
		10	0	00	40
गरीब खील	243	158	0	00	40
बहरोकी	2	138	0	03	24
भलसुमिया	1	89	0	02	43
सुलसीटार	5	99	0	04	05
बिसुनपुर	4	393	0	12	14
		391	0	05	26
		29	0	00	40
		22	0	04	05
		28	0	00	81

अंचल: मोहनपुर	जिला-देवघर	राज्य-बिहार			
1	2	3	4	5	6
सिगारडीह	702	418	0	02	40
		416	0	01	08
		413	0	01	80
		412	0	00	84
		411	0	01	08
		410	0	00	30
उपर रंगाटांर	560	119	0	00	81
किसुनीडीह	662	807	0	02	83
		796	0	00	40
		800	0	00	40
तिवारी केनारी	654	14	0	09	31

अंचल-सारठ	जिला-देवघर		राज्य-बिहार		
1	2	3	4	5	6
ढोडोडुमर	225	7	0	01	20
		9	0	00	48
		10	0	00	84
		114	0	04	98
पारबांक	235	76	0	00	81

अंचल-पालाजोरी	जिला-देवघर		राज्य-बिहार		
1	2	3	4	5	6
शिमला	625	1433	0	01	21

[सं. आर 31015/20/96-प्रो आर I]

के.सी. कटोच, अवर सचिव

New Delhi, the 30th January, 1997

S.O. 173. --Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum (crude) from Haldia in the state of West Bengal to Barauni in the state of Bihar, pipeline should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in the exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of the right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in land described in the said schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to general public object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri V.N. Akhauri, Competent Authority, Indian Oil Corporation Limited, Haldia-Barauni Crude Pipeline Project, Williams Town, College Road, Deoghar-814112 (Bihar).

SCHEDULE

Anchal : Deoghar		District : Deoghar		State : Bihar	
			Area		
Village	Thana	Plot	Hoctaers	Ares	Centiares
	No.	No.			
1	2	3	4	5	6
Gar Jora	6	1151	0	02	02
		1152	0	06	47
Bandha Kendua	217	620	0	00	81
		608	0	00	40
		351	0	01	62

1	2	3	4	5
Bandha Kendua (Contd.)	350	0	03	24
	310	0	00	40
	569	0	02	43
	568	0	02	43
Sarsa	226 1034	0	00	40
Kusmaha	222 949	0	00	81
	983	0	02	43
	825	0	03	24
	893	0	00	40
Basmandih	228 23	0	00	40
	42	0	03	64
	43	0	00	81
	44	0	01	21
	10	0	00	40
Garib Khil	243 158	0	00	40
Behroki	2 138	0	03	24
Bhalsumiya	1 89	0	02	43
Tulsitar	5 99	0	04	05
Bisunpur	4 393	0	12	14
	391	0	05	26
	29	0	00	40
	22	0	04	05
	28	0	00	81

Anchal : Mohanpur District : Deoghar State : Bihar

Area					
Village	Thana No.	Plot No.	Hectares	Ares	Centiares
1	2	3	4	5	6
Singardih	702	418	0	02	40
		416	0	01	08
		413	0	01	80
		412	0	00	84
		411	0	01	08
		410	0	00	30
Upar Rangatar	560	119	0	00	81
Kisumidih	662	807	0	02	83
		796	0	00	40
		800	0	00	40
Tiwarikanari	654	14	0	09	31

Anchal : Sarath District : Deoghar State : Bihar

Area					
Village	Thana No.	Plot No.	Hectares	Ares	Centiares
1	2	3	4	5	6
Dhorodumar	225	7	0	01	20
		9	0	00	48
		10	0	00	84
		114	0	04	98
Parabank	235	76	0	00	81

202 GI/97-3

Anchal : Palajoiri District. Deoghar State : Bihar

Area					
Village	Thana No.	Plot No.	Hectares	Ares	Centiares
1	2	3	4	5	6
Simla	625	1433	0	01	21

[No. R-31015/20/96-OR-I]

K. C. KATOCH, Under Secy.

नई दिल्ली, 30 जनवरी, 1997

का.आ. 274.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में ऐसा करना आवश्यक है कि पश्चिमी बंगाल राज्य के हल्दिया से बिहार राज्य के बरौनी तक पेट्रोलियम (कूड) के परिवहन के लिए इंडियन ऑयल कारपोरेशन लि. द्वारा पाइपलाइन बिछाई जाए;

और यह प्रतीत होता है कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिमूचना के उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति उस तारीख, से, जिसको, राजपत्र में यथा प्रकाशित इस अधिमूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के संबंध में उसमें उपयोग के अधिकार का अर्जन करने संबंधी लिखित रूप में आक्षेप श्री बी.एन. अखौरो, सक्षम प्राधिकारी द्वारा इंडियन ऑयल कारपोरेशन लिमिटेड, हल्दिया-बरौनी कूड पाइपलाइन परियोजना, बिलियम्स टाउन, कालिख रोड, देवघर-814112 (बिहार) को कर सकेगा।

अनुसूची						1	2	3	4	5	6
						किउल	122	1610	0	00	48
अंचल—लुखीसराय जिला—लुखीसराय राज्य—बिहार								1611	0	00	90
								1612	0	00	42
गांव थाना सं. प्लॉट सं. क्षेत्र								1613	0	00	96
								1615	0	00	24
हेक्टेयर एयर सेन्टीएयर								1617	0	01	80
1	2	3	4	5	6			1627	0	00	72
								1625	0	00	62
जुआस	136	446	0	06	48			1633	0	01	14
		445	0	08	90			1635	0	00	18
		444	0	00	81			1624	0	00	62
		443	0	00	40						
		489	0	23	47						
अड़िया इंगलिस	137	1	0	03	24						
		2	0	02	43						
		4	0	04	05						
		5	0	03	24						
		6	0	04	05						
		21	0	21	85						
		22	0	18	21						
		31	0	00	40						
		20	0	13	36						
		18	0	02	02						
		19	0	07	28						
		29	0	04	05						
मधुपुर	139	151	0	00	81						
मुदुपार	78	863	0	00	81						
गोहारी	65	81	0	03	24						
		41	0	00	81						
		40	0	04	05						
जयमपुर	124	1525	0	06	07						
मिलहट	86	35	0	06	07						
		33	0	01	21						

[सं. आर-31015/20/96-ओ. आर.-I]

के.सी. कटोच, अवसर सचिव

New Delhi, the 30th January, 1997

S.O. 274.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum (crude) from Haldia in the state of West Bengal to Barauni in the state of Bihar, pipeline should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in the exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of the right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in land described in the said schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazetted of India, are made available to general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri V.N. Akhauri, Competent Authority, Indian Oil Corporation Limited, Haldia-Barauni Crude Pipeline Project, Williams Town, College Road, Deoghar-814112 (Bihar).

SCHEDULE

Anchal : Luckee Sarai District : Luckee Sarai State : Bihar

Village	Thana No.	Plot No.	Area		
			Hectares	Ares	Centiares
1	2	3	4	5	6
Juas	136	446	0	06	48
		445	0	08	90

1	2	3	4	5	6
		444	0	00	81
		443	0	00	40
		489	0	23	47
Barhia English	137	1	0	03	24
		2	0	02	43
		4	0	04	05
		5	0	03	24
		6	0	04	05
		21	0	21	85
		22	0	18	21
		31	0	00	40
		20	0	13	36
		18	0	02	02
		19	0	07	28
		29	0	04	05
Me kh&umpur	139	151	0	00	81
Khutupar	78	863	0	00	81
Gohari	65	81	0	03	24
		41	0	00	81
		40	0	04	05
Jai-Nagar	124	1525	0	06	07
Silhat	86	35	0	06	07
		33	0	01	21
Kiul	122	1610	0	00	48
		1611	0	00	90
		1612	0	00	42
		1613	0	00	96
		1615	0	00	24
		1617	0	01	80
		1627	0	00	72
		1625	0	00	62
		1633	0	01	14
		1635	0	00	18
		1624	0	00	62

[No. R-31015/20/96-OR-I]
K. C. KATOCH, Under Secy.

नई दिल्ली, 30 जनवरी, 1997

का. भा. 275.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में ऐसा करना आवश्यक है कि पश्चिमी बंगाल राज्य के हल्दिया से बिहार राज्य के बरौनी तक पेट्रोलियम (क्रूड) के परिवहन के लिये इंडियन आयल कार्पोरेशन लि. द्वारा पाईपलाईन बिछाई जाये ;

और यह प्रतीत होता है कि ऐसी पाईपलाईन बिछाने के प्रयोजन के लिये इस अधिसूचना के उपाध्य अनुसूची में वर्णित भूमि में उपयोग के अधिकार का भर्जन करना आवश्यक है ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का भर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उसमें उपयोग के अधिकार का भर्जन करने के अपने आशय की घोषणा करती है ।

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति उस तारीख से, जिसको, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाईपलाईन बिछाने के संबंध में उसमें उपयोग के अधिकार का भर्जन करने संबंधी लिखित रूप में आक्षेप श्री बी. एन. अखोरी, सक्षम प्राधिकारी द्वारा इंडियन आयल कार्पोरेशन लिमिटेड, हल्दिया-बरौनी क्रूड पाईपलाईन परियोजना, विलियम्स टाउन, कालेज रोड, देवबर-814112 (बिहार) को कर सकेगा ।

अनुसूची

ग्राम-जमुई	जिला-जमुई	राज्य-बिहार			
गांव	थाना-सं.	प्लॉट सं.	क्षेत्र	हेक्टेयर	एयर सेंटीएयर
1	2	3	4	5	6
कटीया	22	1246	0	02	43
		1248	0	00	81
अछरा	19	402	0	02	02
		404	0	00	81

ग्राम-सलमा	जिला-जमुई	राज्य-बिहार			
1	2	3	4	5	6
महापुर टांजा वत किलवा	3	103	0	04	05
महापुर भाराजोर	3	2259	0	04	05
		2264	0	00	81

अंचल-लक्ष्मीपुर	जिला-जमुई	राज्य-बिहार			
1	2	3	4	5	6
रतनपुर	137	517	0	03	00
		508	0	04	50

अंचल-चकई	जिला-जमुई	राज्य-बिहार			
1	2	3	4	5	6
टेलवा शीट नं. 45	29	284	0	01	50
		294	0	02	10
		296	0	00	60
		295	0	00	40
		331	0	02	02
		332	0	01	62
		333	0	00	81
टेलवा शीट नं. 46	29	1477	0	04	05
बारो	37	1236	0	02	43
		1250	0	02	43
		1237	0	00	81

[स. भार-31015/20/96-प्रो. भार.-I]

के. सी. कटोच, प्रवर सचिव

New Delhi, the 30th January, 1997

S O. 275.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum (crude) from Haldia in the state of West Bengal to Barauni in the state of Bihar, pipeline should be laid by the Indian Oil Corporation Limited.

And whereas it appears that for purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in the exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of the right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in land described in the said schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri V. N. Akhaury, Competent Authority, Indian Oil Corporation Limited, Haldia-Barauni Crude Pipeline Project, Williams Town, College Road, Deoghar-814112 (Bihar).

SCHEDULE

Anchal : Jamui		District : Jamui		State : Bihar		
Village	Thana No	Plot No	Area			
			Hec- tares	Ares	Centi- ares	
1	2	3	4	5	6	
Katauna	22	1246	0	02	43	
		1248	0	00	81	
Achhara	19	402	0	02	02	
		404	0	00	81	

Anchal : Jhajha		District : Jamui		State : Bihar		
Village	Thana No	Plot No	Area			
			Hec- tares	Ares	Centi- ares	
1	2	3	4	5	6	
Mabapur Tola						
Dat Kichawa	3	103	0	04	05	
Mahapur Barajor	3	2259	0	04	05	
		2264	0	00	81	

Anchal : Lakehmipur		District : Jamui		State : Bihar		
Village	Thana No	Plot No	Area			
			Hec- tares	Ares	Centi- ares	
1	2	3	4	5	6	
Ratanpur	137	517	0	03	00	
		508	0	04	50	

Anchal : Chakai		District : Jamui		State : Bihar		
Village	Thana No	Plot No	Area			
			Hec- tares	Ares	Centi- ares	
1	2	3	4	5	6	
Telwa	29	284	0	01	50	
Sheet No. 45		294	0	02	10	
		296	0	00	60	
		295	0	00	40	
		331	0	02	02	
		332	0	01	62	
		333	0	00	81	
Telwa	29	1477	0	04	05	
Sheet No. 46						
Baro	37	1236	0	02	43	
		1250	0	02	43	
		1237	0	00	81	

[No. R-31015/20/96-OR-I]

K.C. KATOCH, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 8 जनवरी, 1997

का.आ. 276 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बी.सी.सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण-1, धनबाद के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 7-1-97 को प्राप्त हुआ था।

[संख्या एल-20012/334/89-आईआर (सी-1)]

ब्रज मोहन, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 8th January, 1997

S.O. 276.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-I, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 7-1-97.

[No. L-20012/334/89-IR(C-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d)(2A) of

the Industrial Disputes Act, 1947

Reference No. 161 of 1990

PARTIES:

Employers in relation to the management of Rajapur Open Cast Project of M/s. B.C.C. Ltd. (Area No. VIII).

AND

Their workmen.

PRESENT:

Shri Tarkeshwar Prasad, Presiding Officer.

APPEARANCES:

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : Shri J. P. Singh, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 2nd January, 1997

AWARD

By Order No. L-20012/334/89-IR. (Coal-I) dated, the 11th July, 1990 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of

sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

"Whether the action of the management of Rajapur Open Cast Project of M/s. B.C.C. Ltd. (Area No. VIII) in not regularising Shri Sakaldip Singh as Foreman w.e.f. 25-6-85 is justified? If not, to what relief is the concerned workman entitled?"

2. The workman and the sponsoring union appeared and filed written statement stating therein that the workman Sakaldip Singh, a permanent workman worked as Drill Operator in Rajapur Open Cast Project and he used to maintain Russian Drills besides supervision and operation of the drills. He was authorised to supervise and look after the Russian Drills by the Project Officer with proper recommendation of the Executive Engineer of the Project, and he was working in supervisory post with effect from 25-6-85. It is said that he regularly looked after the supervisory work besides maintenance and operation of the Russian Drills and by letter dated 24-1-88 the Executive Engineer had recommended for his regularisation as Foreman in Technical and Supervisory Grade 'B' with effect from 25-6-85 but it was not considered by the management and the dispute was raised by the union before the A.L.C. (C), but the matter could not be settled due to adamant attitude of the management and on failure of conciliation the reference has been made and it is said that the action of the management is against normal practice and should be unfair labour practice and it is also denied justice of the workman and it is prayed that an award be passed accordingly in favour of the workman.

3. The management appeared and filed written statement stating, inter-alia, that the reference is not maintainable and it is said that the workman was appointed as Drill Operator (Trainee) at Rajapur Open Cast Project on 26-11-79 and he was regularised as Drill Operator on 25-11-80 and placed in Excavation Grade 'D'. He was promoted to Excavation Grade 'C' on 23-12-82 and was further promoted to Grade 'B' with effect from 2-4-84 and the workman joined in Excavation Cadre and got regular promotion in that grade.

4. It is further said that Electrical and Mechanical Cadre is different from Excavation Cadre and under this Scheme a Mechanical Fitter in Category-VI with six years experience or a person holding diploma in Mechanical Engineering becomes eligible for promotion to the post of Asstt. Foreman after three years of minimum experience as Asstt. Foreman he is considered for promotion to Foreman (Mechanical) in Technical and Supervisory Grade 'B'. It is said that the workman is of Excavation Cadre and he demands his regularisation as Foreman in Technical and Supervisory Grade 'B' which amounts to change of cadre which is not permissible and causes dissatisfaction amongst the workmen of the particular cadre. It is said that the time of fresh recruits departmental candidates are given chance for change of cadre provided they possess requisite qualification and experience and there is no rule for change of cadre for regularisation. The Cadre Scheme has been implemented as per provisions of JBCCI.

5. It is also said that the concerned workman did not possess diploma in Mechanical Engineering nor he had minimum three years of experience as Asstt. Foreman and cannot be promoted or regularised as Foreman in Technical and Supervisory Grade 'B'. It is also said that an Excavation workman in higher grade must be capable of repairing and maintenance of machines under his charge and the concerned workman is drill operator and in highest Excavation Grade 'B'. It is also said that there are two Russian Drills in the said colliery and the junior operators were engaged for operating the machines and the concerned workman being senior operator was deputed to supervise the operation of both the drills instead of operating one drill and he was entrusted to look after the maintenance of two machines as per order of the Engineer and on the basis of the said order of the Engineer he was demanding regularisation as claimed. It is also said that before the workman was engaged as Asstt. Foreman or Foreman Incharge he must be authorised by the Agent/Manager of the mine under Regulation 36 of Coal Mines Regulation, 1957 after approval of the General Manager or Chief Mining Engineer but the case of the concerned workman was never considered by the Manager/Agent of the

colliery who were competent under Regulation 33 of the Coal Mines Regulation, 1957 and no approval for his engagement as Asstt. Foreman or Foreman was obtained from the General Manager or Chief Mining Engineer and the question of engagement as Foreman did not arise at any point of time, and the claim of the workman cannot be accepted.

6. A rejoinder has also been given by the management to the written statement of the workman and the contention of the written statement filed by the workman has been denied specifically and parwise and the same is said to be incorrect and denied. It is finally said that an award be passed accordingly.

7. A rejoinder has been filed by the workman denying the contentions of the management as given in their written statement and rejoinder and the same is denied.

8. Now the point for consideration in this reference is—

(a) As to whether or not the action of the management in not regularising the workman as Foreman with effect from 25-6-85 is justified?

(b) If not, to what relief the workman is entitled?

9. Both the points are inter-linked, as such, are taken together for their consideration.

10. From the record it transpires that no oral evidence has been adduced on behalf of the management and some documents have been filed which were exhibited and Ext. M-1 is photo copy of Office Order dated 30-1-81 and Exts. M-2 to M-5 are similar photo copy of Office Orders and wage-sheets from January, 1989 to December, 1990 of the concerned workman and Wireless Message dated 17-8-88 showing service record of the concerned workman.

11. The concerned workman has been examined as WW-1 and he has tried to support his case. He has proved some photo copy of letters marked Ext. M-3 series and Exts. M-4 to M-8 which are Office Orders whereby he was promoted to Excavation Grade-B on 2-4-84 and he was working as Drill Operator and operating two Russian Drills and after being promoted to Grade-B he was made responsible for supervision and maintenance of those two drills as there was no mechanical foreman at that time and has claimed for regularisation as Foreman which was denied to him. In cross-examination he has said that in the year 1988 one of the two Russian drills was sent to Ena colliery and one drill is still functioning at R.O.C.P. He was at present also doing the work of Grade-B Drill Operator. When he was promoted he was already operating two Russian drills and even after he was operating drill machine. He has denied that he was authorised to maintain the drill machine as per his duty as Grade-B Operator and not as Foreman. He has also denied that there was no post of Foreman in Excavation Cadre and only the post is in E&M cadre. He has further admitted that as per Regulation 36 he has not received written authorisation for working as Foreman. He has filed one original letter of the photo copy which was marked exhibit. There is no other witness in the case.

12. Ext. W-1 is photo copy of note-sheet dated 2-5-86 and Ext. W-2 is office order dated 9-9-85 and Ext. W-3 series are office orders of different dates Ext. W-4 is certificate, Ext. W-5 is note-sheet dated 24-1-88 and Ext. W-6 is letter dated 4-1-89 and Ext. W-7 is settlement dated 13-7-88 and Ext. W-8 is Service Excerpt of the workman.

13. While arguing the case it has been submitted on behalf of the workman and the sponsoring union that the workman was authorised by the Engineer (Excavation) vide letter dated 2-5-86 and by the Sr. Executive Engineer, (Excv.), R.O.C.P. vide letter dated 25-6-85 to maintain Excavation machine and Waron Drill. Ext. W-2 and Ext. W-3 are office orders for different workmen who were admittedly authorised to work as shift Foreman and Ext. W-3/1 is authorisation letter of this workman dated 22-6-85 by Sr. Executive Engineer to supervise the operation and mechanical maintenance of both Russian drills working at Rajapur. Ext. W-3/2 to Ext. W-3/4 are office orders relating to different workmen. A certificate was given to the workman vide Ext. W-4 that he was working as authorised Foreman (Exv.) from 25-6-85

while appearing in A.M.I.E. Examination. Ext. W-5 is letter given by the Engineer (Excavation), Rajapur O.C.P. regarding regularisation of the workman as Foreman (Exv.). Ext. W-6 is letter given by the sponsoring union to the A.L.C. (C), Dhanbad regarding dispute of the workman and Ext. W-7 was settlement order and as per terms of settlement regularisation of the workman was to be taken place by the Joint Committee consisting of management and union's representative latest by May, 1988 and decision was to be taken within three months. But what happened to this term of settlement is not clear nor any paper has been filed by the management to show that actually any action was taken or not whereas this reference was filed in the year 1990. Ext. W-8 is Service Excerpt of the workman where he has been shown as Foreman. This is form to refer entitled patients to Central Hospital. On the basis of these documents it has been submitted that Sr. Executive Engineer of the colliery as well as Engineer of R.O.C.P. had recommended regularisation of the workman as Foreman (Excavation) with effect from 25-6-85 and the workman has claimed his regularisation as Foreman from this very date. But this claim was rejected by the management on the plea that no such post existed in Excavation cadre nor the name of the workman was cleared by D.P.C. for his any such promotion nor any recommendation was made by the Engineer of the colliery or Manager whereas Sr. Executive Engineer is very lower in rank.

14. It has also been pointed out on behalf of the management that for promotion to Foreman grade minimum experience of six years is required and both the Russian drills were withdrawn from R.O.C.P. from 1988 onwards, so there was no requirement of any such post of Foreman there. There was also matter of cadre change which is not permissible as per J.B.C.C.I. The workman being in Excavation grade and promoted upto Grade-B so his cadre cannot be changed to Electrical and Mechanical cadre as per his claim. It is also pointed out that the demand of the union and the workman for creation of post of Foreman in Excavation cadre and putting him in Technical and Supervisor Grade-B and his regularisation on that grade is simply wishful thinking and there is no basis at all for allowing such promotion and regularisation of the workman in the aforesaid grade. It is finally said that the action of the management in denying the claim of the workman was quite justified and the workman was not entitled for any relief as claimed.

15. After going through the case record and documents filed on behalf of the parties and also perusing Ext. M-5 Wireless Message regarding the workman and details service record including promotion given to him, it is clear that he was working in Excavation grade and not in E&M cadre. But it is also fact that as per Exts. W-1, W-3, W-3/1, W-4 and Ext. W-5 that the workman was authorised to work supervision, operation and maintenance of both Russian drills from 25-6-85 and he has performed his duty to the satisfaction of his controlling officers and not only Sr. Executive Engineer rather the Engineer (Excavation) of R.O.C.P. have recommended to the competent authority for his regularisation as Foreman (Excavation) with effect from the aforesaid date as he was working quite competently to the post. From these exhibits the contention of the management that authorisation was made to the workman only by the Sr. Executive Engineer and by no higher officer is also contradicted. It is also clear from Ext. W-5 which is given by the Engineer (Excavation), R.O.C.P. and he too has recommended for regularisation of the workman to the aforesaid post from the date given. So far withdrawal of one drill from the colliery to the other colliery is concerned it has also come in the evidence that still one such drill machine was working in the said colliery and the workman is under BCCL and under whose management a number of collieries are running in this area and if required he could be given promotion and shifted to some other colliery where the required post is available. I also do not find any merit in the plea taken by the management that there is no post of Foreman in Excavation grade because the Engineer of the colliery being the responsible officer could not make such recommendation of regularisation of the workman on the aforesaid post if such post was non-existent. It is also clear that the workman has been given different promotion from time to time considering his satisfactory work and required qualification and on such authorisation he was so maintaining both the Russian drills

from June, 1985 onwards. So there was no lack of experience on the part of the workman.

16. In view of the above discussion I find that the claim of the workman is quite justified and he is entitled for regularisation as claimed and the objections raised by the management are simply for the sake of denying the benefit to the workman for the works already taken from him as per due authorisation of the officers of the management itself. These objections are also of minor nature and not very convincing. Accordingly, the action of the management in denying the claim of the workman for his regularisation as Foreman with effect from 25-6-85 is unjustified. Both the points are decided accordingly.

17. Hence, the award—

That the action of the management of Raipur Open Cast Project of M/s. B.C.C. Ltd. (Area No. VIII) in not regularising Shri Sakaldip Singh as Foreman w.e.f. 25-6-85 is unjustified. The management is directed to regularise the service of the workman as Foreman (Excavation) with effect from 25-6-85 with full back wages within two months from the date of publication of the award.

However, parties to bear their own cost.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, 8 जनवरी, 1997

का.अ. 277 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सी.सी. एल. का सारुबेरा कोलियरी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण 1, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-1-97 को प्राप्त हुआ था।

[संख्या एल-20012/23/92-आई आर (सी-I)]

ब्राज मोहन, डेस्क अधिकारी

New Delhi, the 8th January, 1997

S.O. 277.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sarubera Colliery of M/s. CCL and their workmen, which was received by the Central Government on 7th January, 1997.

[No. L-20012/23/92-IR(C-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d)(2A) of the Industrial Disputes Act, 1947

Reference No. 4 of 1993

PARTIES :

Employers in relation to the management of Sarubera Colliery of M/s. C. C. Ltd.

AND

Their Workmen.

PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer.

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri G. Prasad, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 1st January, 1997

AWARD

By Order No. L-20012/23/92-IR (Coal-I) dated 15th December, 1992 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication :

“Whether the action of the management of Sarubera Colliery of M/s. C. C. Ltd., in superannuation Shri Munna Mahto, as Ex-PR Worker w.e.f. 17th December, 1988 is justified? If not, to what relief the workman is entitled?”

2. In this case a petition was filed on 24th December, 1996 under the signature and L.T.I. of Sri Chukandra Mahato, Area Secretary, JCSU Kaju Area and Munna Mahato, Ex-PRW, Sarubera (concerned workman) respectively, stating therein to withdraw the case, which was put up to-day i.e. 1st January, 1997.

3. Since the Area Secretary of the union and the concerned workmen are not interested to prosecute the case and agreed to withdraw the case, I have no other alternative but to pass a ‘No Dispute’ award in this reference.

4. Hence, I pass a ‘No Dispute’ award in this reference case.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, 8 जनवरी, 1997

का.अ. 278:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स टिस्को का बोकारो कोलियरी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-1-97 को प्राप्त हुआ था।

[संख्या एल-20012/176/91-आई आर (सी-I)]

ब्राज मोहन, डेस्क अधिकारी

New Delhi, the 8th January, 1997

S.O. 278.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bokaro Colliery of M/s. TISCO and their workmen, which was received by the Central Government on 7th January, 1997.

[No. L-20012/176/91-IR(C-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d)(2A) of the Industrial Disputes Act, 1947

Reference No. 124 of 1991

PARTIES :

Employers in relation to the management of West Bokaro Colliery of M/s. TISCO Ltd.

AND

Their Workmen.

PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer.

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri J. P. Singh, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 1st January, 1997

AWARD

By Order No. L-20012(176)/91-I.R.(Coal-I), dated the 25th November, 1991 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of West Bokaro Colliery of M/s. TISCO Ltd., P.O. Ghatotand, District Hazaribagh in dismissing Binod Kumar Singh, an Ex-Mining Sardar from services w.e.f. 1st October, 1990 is legal and justified? If not, to what relief the workman is entitled?"

2. The workman and union appeared and filed written statement stating therein that the concerned workman was Mining Sardar of West Bokaro Colliery under M/s. TISCO and was dismissed from service on the basis of report of the Enquiry Officer finding him guilty under Clause 27(5) of the Company's Standing Order and the occurrence said to have been taken on 24th March, 1990 he being in 1st shift from 7 A.M. to 3 P.M. It is said that about 8 A.M. the Assistant Manager (UG) Sri Mohan Yechoor asked the workman to work alternative job in underground as the mine was not going on there to which the workman refused and uttered at him "Hum Tumko Dekh Lenge" and thereafter went out and cut his attendance. It is said that on the same day at about 1 P.M. Sri Yechoor was leaving ground premises on his motorcycle bearing No. B.H.M. 3218, the workman was waiting for him. The Security Control Room was informed by Sri Yechoor and the security personnel came there and persuaded the workman from unruly and unwarranted act and Sri Yechoor was asked to proceed on motorcycle and just after proceeding of Sri Yechoor the workman followed on his motorcycle and at a distance of 50 feet he dashed against the motorcycle of Sri Yechoor who fell down and sustained injury, his motorcycle also got damaged and thereafter the workman fled away on his motorcycle, after abusing and threatening Sri Yechoor. It is said that Sri Mohan Yechoor mentioned in the charge sheet made a report of the entire incident to the police and a criminal case was filed against the workman under Sec. 341/379/337 I.P.C. It is also said that the workman gave reply to the chargesheet denying the allegations and he has stated that he wanted to go away as there no work for him at the work site. Sri Yechoor asked him to do the work at alternative site but he refused. Similar statement was given by the workman before the Enquiry Officer and it was denied that he dashed the motor cycle of Sri Yechoor who fell down and sustained injury. It is also said that a criminal case was filed against him by the Security Personnel just to give lesson to him. The workman examined witnesses in the enquiry but it was not considered properly by the Enquiry Officer. It is denied that he committed any riotous or indecent behaviour to attract Clause 27(5) of the Standing Order and his dismissal was arbitrary and illegal and unjustified. It is said that the workman was working quite satisfactorily and his past service was not considered while ordering punishment of dismissal. It was, therefore, prayed that an award be passed reinstating the workman in service with full back wages.

3. I further find that the management appeared and filed written statement-cum-rejoinder stating, inter-alia, that the

reference was not maintainable and that the workman has committed serious misconduct under Cl. 27(5) of the Certified Standing Order of the management and proper disciplinary action was taken against him. The incident which was taken place on 24th March, 1990 has been described in the written statement and it is said that due to dashing the motorcycle of Sri Yechoor by the workman the later fell down and sustained injury and some damage was also caused to the motorcycle. Thereafter chargesheet was issued to the workman on 28th March, 1990 and the workman submitted his reply. Thereafter Sri S. K. Prasad, Senior Personnel Officer was appointed as Enquiry Officer to conduct the departmental enquiry and full opportunity was given to the workman who appeared in the proceeding and that the charges were explained to him in Hindi. His reply was also explained to him. The management examined witnesses who were fully cross-examined by the workman and his co-worker and full and proper opportunity was given to the workman to cross-examine the witnesses and to give his own statement and to produce the defence witnesses. No objection was ever raised by the workman or his co-worker regarding procedure of the departmental enquiry or the manner of the enquiry. The Enquiry Officer submitted his report which was considered by the management and thereafter dismissal letter was issued to the workman dated 24th/25th September, 1990 with effect from 1st October, 1990 under signature of the Agent of the colliery. The charge-sheet was also issued by the Manager who was empowered to issue chargesheet as per provision of Mines Act, 1952 and the Agent was Competent Authority to dismiss the workman as per provisions of Certified Standing Order.

4. A rejoinder to the written statement of the workman has also been given by the management and the allegations made by the workman have been specifically denied paravise and the same is said to be not fully correct and denied. Some of the paras of the written statement is said to be incorrect. It is finally said that in the above circumstances award be passed accordingly holding the action of the management to be justified.

5. No further rejoinder is given to the written statement of the management by the workman.

6. I further find that holding of departmental enquiry was taken as preliminary point for hearing and to this score MW-1 was examined by the management who Mohan Yechoor, Assistant Mining Engineer and he was also the management's representative in the said departmental enquiry of the workman. He stated that Sri S. K. Prasad, Sr. Personnel Officer was the Enquiry Officer and the workman was given full opportunity to cross-examine the management's witnesses and to give his own statement and also to examine defence witnesses. He has said that on the date of occurrence no work was held where the workman was deputed to work. He had given statement before the Enquiry Officer as management's witness and also as management's representative. When he changed the duty of the workman some other persons were also present there and those persons were not examined as witness as the workman had admitted the allegation against him in the departmental enquiry and he has also admitted the same in the explanation submitted in the reply to the chargesheet. No witness was examined on behalf of the workman and I find that vide order dated 19th September, 1994 Sri J. P. Singh, learned Advocate appearing on behalf of the workman conceded during argument that the departmental enquiry was fair and proper and the same order was passed by the then Presiding Officer after perusal of record. Accordingly it was held that the departmental enquiry was held fairly and properly and the case was fixed for hearing on merit.

7. The only point to be considered in this case is as to whether or not the action of the management in dismissing the workman from service is justified and if not, to what relief or reliefs the workman is entitled?

8. I further find that some documents were filed by the management which was Ext. M-1 chargesheet dated 28th March, 1990. Ext. M-2 is reply of the chargesheet by the workman. Ext. M-3 is appointment letter of the Enquiry Officer. Ext. M-4 is enquiry proceeding alongwith other papers. Ext. M-5 is enquiry report dated 10th May, 1990. Ext. M-6 is letter of dismissal of the workman dated 24th/25th September, 1990. Ext. M-7 is photo copy of Form-I

and Ext. M-8 is photo copy of Standing Order. I further find that no oral or documentary evidence was led by the workman while hearing preliminary point and even thereafter while hearing on merit of the case on the ground of victimisation.

9. However, I find that three written arguments have been filed on behalf of the workman on different dates and general contention of the written argument is that injustice was done with the workman and out of grudge for showing courage to reply of the Assistant Manager for his unauthorised order, he was intentionally chargesheeted with false allegation that he dashed the motorcycle of Sri Yechoor on the alleged date of occurrence out of which Sri Yechoor fell down and sustained injury and some damage was taken place to his motorcycle. It was also submitted that criminal case was instituted for the same occurrence and certified copy of the judgement of G.R. 530/90-T.R. 1282/91 of Judicial Magistrate (2nd Class) Hazaribagh has been filed where the workman was so acquitted fixing under Section 279/337/341 I.P.C. and he was held guilty thereunder after considering evidence, but considering the nature of offence and the report of the Probation Officer he was directed to be enlarged for bond under Sec. 4(1) of Probation of Offender Act to some of Rs. 1000 with one surety for keeping peace for a period of one year. This judgement is dated 26th August, 1991. Against that judgement a criminal appeal was filed and certified copy of the Criminal Appeal No. 158/91 has been filed whereby the 3rd Addl. Sessions Judge, Hazaribagh has opined that the accused was rightly held guilty and convicted under Sections 341, 279 & 337 of I.P.C. but lenient view was taken as he was ordered to be released on probation bond under Section 4(1) of the Act and no interference in the judgement of the learned Magistrate was required and accordingly the order of impugned judgement was upheld and the appeal was dismissed.

10. I think that these judgements have been filed on behalf of the workman to show that as he has already been punished in the criminal case so for the same occurrence he ought not have been punished twice departmentally and the order of dismissal of the workman from service was too harsh for the offence of so little magnitude.

11. However, it has been submitted that the alleged action of the workman on the date of occurrence i.e. 24th March, 1990 was riotous or disorderly and indecent behaviour which is serious misconduct under Certified Standing Order, Clause 27(5) and after considering the enquiry report of the Enquiry Officer the order of dismissal passed against him was quite just and proper and for such serious misconduct no leniency could have been shown to the workman. It is also submitted that in view of both judgements filed by the workman passed against him by the learned Magistrate and also by the learned Appellate Addl. Sessions Judge, Hazaribagh there is no merit or substance at all in the plea of the workman that no occurrence had been taken place and he did not dash the motorcycle of Yechoor on the alleged date of occurrence owing to which he fell down and sustained injury and damage also caused to his motorcycle. Now this fact is well proved by judicial verdict which is conclusive on the point.

12. On the other hand, it has been submitted on behalf of the workman that the misconduct of the workman was not so serious and even if it has been confirmed by the judicial verdict but a lenient view was taken by the Judicial Court while awarding punishment to the workman and he was let off on execution of bond and similarly considering minor nature of the offence he ought to have been given lenient punishment, even if departmental enquiry was held fairly and properly. I also do not find any merit in the plea taken by the workman that he was victimised by the management as he acted against the wrongful order of the said Assistant Manager shifting his duty from one place to another place when there was no work on that date and if the entire incident taken as whole which was taken place underground with Sri Yechoor, Assistant Manager by refusal of the former's order by the workman and his criminal deed committed on the surface by dashing the motorcycle of Sri Yechoor intentionally to some extent to teach a lesson as a result of which Sri Yechoor fell down from the motorcycle and injured and motorcycle was damaged. The misconduct of the workman certainly becomes serious and in the circum-

stances as stated above I do not find any merit in the plea taken on behalf of the workman that lenient view ought to have been taken by the management while awarding punishment to him.

13. After considering points of argument as advanced on behalf of the parties and the circumstances of the case and the criminal action of the workman being affirmed by judicial verdict even by learned Appellate Court, I find and hold that the action of the management of M/s. TISCO was justified in making dismissal of the workman with effect from 1st October, 1990 after holding departmental enquiry and agreeing with the report of the Enquiry who had held the workman guilty for the charges levelled against him in the chargesheet. Hence the workman is not entitled to any relief as claimed.

14. Hence, my award is—

That the action of the management of West Bokaro Colliery of M/s. TISCO Ltd., P.O. Ghatotand, District Hazaribagh in dismissing Binod Kumar Singh, an Ex-Mining Sardar from service with effect from 1st October, 1990 is justified. Hence, the workman is not entitled to any relief.

However, the parties to bear their own cost.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, ८ जनवरी, १९९७

का.सं. 279:—औद्योगिक विवाद अधिनियम, १९४७ (१९४७ का १४) की धारा १७ के अनुसरण में केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबंध में नियोजकों और उनके कार्यकारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को ७-१-९७ को प्राप्त हुआ था।

[संख्या एन-१२०११/९२/८८-डी-११ (ए)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 8th January, 1997

S.O. 279.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Madras as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workmen, which was received by the Central Government on 07-01-97.

[No. L-12011/92/88 D-II(A)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Monday, the 4th day of November, 1996

PRESENT :

Thiru S. Thangaraj, B.Sc., L.L.B., Industrial Tribunal.

Industrial Dispute No. 38 of 1989

On the matter of the dispute for adjudication under Section 10(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Syndicate Bank, Madras)

BETWEEN

The Workmen represented by
The General Secretary.

Syndicate Bank Employees Union,
H.O. No. 55, Armenian Street,
Madras-600001.

AND

The General Manager,
Syndicate Bank,
Manipal-576119.

REFERENCE :

Order No. L-12011/92/88-D.II(A), Ministry of Labour,
dated 10-4-1989, Government of India, New Delhi

This dispute coming on this day for final disposal in the presence of Thiru S. Vaidyanathan for Tvl. Row and Reddy, Advocates appearing for the Workmen and of Thiru S. Jayaraman, Advocate appearing for the Management, upon perusing the reference, claim and counter statements and other connected papers on record and the parties having filed a joint memorandum of settlement and recording the same, this Tribunal passed the following :

AWARD

This reference has been made for adjudication of the following issue :

"Whether the demand of the Syndicate Bank Employees' Union that the management of Syndicate Bank have wrongfully terminated the services of a large number of temporary workmen (Clerks, typists, stenos and attenders) and therefore these workmen should be reinstated in Bank's service with all back benefits is justified? If so, to what relief are the concerned workmen entitled?"

Joint memo of Settlement alongwith copy of 12(3) I.D. Act, 1947. Settlement dated 9-4-1996 filed. Settlement perused.

Joint memo recorded. Award passed in terms of Settlement. No costs.

Dated this the 4th day of November, 1996.

S. THANGARAJ, Industrial Tribunal

COPY OF JOINT MEMO FILED BY BOTH PARTIES

Rep. by Syndicate Bank
Employees' Union.

..Petitioner.

Vs.

The Management of
Syndicate Bank.

..Respondent.

JOINT MEMO

The parties submit as follows :

An Industrial Dispute regarding regularisation of temporary employees, and the alleged termination of temporary employees, working in various branches of the respondent bank, was raised by the Workmen union. The said dispute has been referred to this Hon'ble Tribunal as I.D. No. 38/89.

During the pendency of the said dispute the union and the management have entered into a settlement on the modalities of absorption of temporary attenders under Section 12(3) of the I.D. Act, on 9th April, 1996. As per clause 10 of the settlement it has been agreed as between the parties, that a copy of the settlement shall be filed before the Industrial Tribunal, Madras and the parties will seek for an award based on the settlement. Accordingly the copy of the settlement is being filed.

The parties therefore, pray that this Hon'ble Tribunal will be pleased to pass an award in I.D. No. 38/89 on issue settled as per the settlement entered into under Section 12(3) of the I.D. Act, 1947.

Datd, at Madras this Fourth day of November, 1996.

Sd./- Illegible,
Petitioner.

Sd./- Illegible
Respondent,
Sd./- Illegible,
Industrial Tribunal.

Memorandum of Settlement arrived at under Section 12(3) of the Industrial Disputes Act, 1947, between the management of Syndicate Bank, Head Office, Manipal and Syndicate Bank Employees' Union, before the Asst. Labour Commissioner (Central), Mangalore.

Parties Present

Representing Management :

1. Sri G. Shankarnarayan,
Asst. Personnel Manager,
Syndicate Bank, H.O.,
Manipal.
2. Sri R. V. Bhat,
Asst. Personnel Manager,
Syndicate Bank, H.O.,
Manipal.

Representing Workmen :

1. Sri K. Umesh Nayak,
Gen. Secretary,
Syndicate Bank
Employees' Union.
2. Sri M. R. Achar,
Secretary,
Syndicate Bank Employees'
Union.

Short Recital of the Case

Whereas the management of Syndicate Bank, Head Office, Manipal, requested the A.L.C. (C), Mangalore to intervene and settle in the matter regarding absorption of temporary Attenders, the matter was seized in conciliation and conciliation proceedings were held on 9-4-1996; wherein an amicable settlement was brought about.

Terms of Settlement

1. This settlement shall be in supersession of all earlier settlements/understandings in the matter of absorption of temporary attenders.
2. The guidelines/procedures laid down by the Government of India in its Approach Paper of 1990 on the issue of temporary employees in Banks shall form the basis.
3. The temporary attenders who had worked for more than 240 days in a consecutive period of 12 months between 1-1-82 and 31-12-89 in any branch/office of the bank and who are entitled to the benefits of Sections 25-F and 25 H of the I. D. Act, 1947, will be given preference over others in the matter of absorption as regular attenders.
4. Such of those candidates who have put in less than 240 days of service as temporary attenders but more than 90 days between 1-1-82 and 31-12-89 will be considered for absorption after the candidates referred to in item No. 3 above have been absorbed.
5. The absorption of the candidates referred to above, will be from the panel of temporary attenders prepared by the bank following the Approach Paper of the Government of India. Their seniority in the panel will be decided with reference to their first date of appointment in the bank as temporary attender/s.
6. The panel will be maintained district-wise. The vacancies that may arise in any of the branch/office of the bank in a particular district shall be filled up by drawing candidates from the district-wise panel so maintained. Where sufficient number of candidates are not available in a particular district panel to fill up the vacancies that may arise in the district, available candidates from other districts shall be considered subject to their unconditional willingness to serve in district where there are vacancies.

7. The candidates from the panels shall be absorbed in a phased manner subject to availability of substantive vacancies and subject to the prior approval from the Government of India/Reserve Bank of India as required by the Memorandum of Understanding signed by the Bank with Reserve Bank of India.
8. Substantive vacancies of attenders arising at any point of time shall be filled up to the extent possible by absorbing eligible part time sweepers of the bank as per the Understanding reached between the parties to the settlement in February, 1981.
9. The absorption of candidates from the panel to fill up vacancies is subject to the Schedule Caste Schedule Tribe reservation provisions under the Roster system.
10. The parties hereby agree that a copy of this settlement shall be filed before the Industrial Tribunal, Madras which is adjudicating on I. D. No. 33/1989 on a reference made under Section 10 of the Industrial Disputes Act, 1947, by the Government of India, Ministry of Labour vide its reference No. L-12011/92-88-D.II (A) dated 10-4-1989, with a request to base its Award on this settlement.

Signed at Mangalore on 9th April, 1996.
Representing Management : Representing Workmen :
Sd./-

(G. SHANKARNARAYAN) : UMESH NAYAK
Sd./-
(R. V. BHAT) (M. R. ACHAR)
Sd./-

Representing Workmen :
Witnesses :

Sd./-
(RAGHAVENDRA RAO),
State Secretary,
Syndicate Bank Employees Union.

Sd./-
(VANITHA PAIS)
Stenographer,
C/o the ALC (C),
Mangalore.

'Before Me'
Sd./-
(K. P. SASIDHAR),
Conciliation Officer
AND
Assistant Labour Commissioner (Central)
Mangalore

नई दिल्ली, 9 जनवरी, 1997

का.आ. 280.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसूचन में केन्द्रीय सरकार इंडियन एयरलाइन्स के प्रबंधन के संबंध में जहाँ और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में, औद्योगिक अधिकरण, मद्रास के पंचपर को प्रकाशित करने हैं, जो केन्द्रीय सरकार को 7-1-97 को प्राप्त हुआ था।

[संख्या एल-11012/25/87-डी II बी/(सी-I)]

बृज मोहन, डेस्क अधिकारी

New Delhi, the 9th January, 1997

S.O.280.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure in the industrial dispute

between the employers in relation to the management of Indian Airlines and their workmen, which was received by the Central Government on 7-1-1997.

[No. L-11012/25/87-D.II (B) (C-1)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
MADRAS

Monday, the 25th day of November, 1996

PRESENT :

Thiru S. Thangaraj, B.Sc., L.L.B., Industrial Tribunal.

Industrial Dispute No. 49 of 1988

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Indian Airlines, Madras.)

BETWEEN

Miss. Pushpa Iyengar,
C/o Mr. K. Chandru,
10, Baker Street,
Madras-600001.

AND

The Regional Director,
Indian Airlines,
Madras-600027.

REFERENCE :

Order No. L-11012 25/87-D.II (B), Ministry of Labour
dated 28-7-88 Government of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Thiru K. Chandru, Advocate appearing for the Workman and of Tvl. N. G. R. Prasad and S. Vaidyanathan, Advocates appearing for the Management upon perusing the reference, claim and counter statements and other connected papers on record and the workman having made an endorsement for not pressing the dispute and recording the same, this Tribunal passed the following :

AWARD

This reference has been made for adjudication of the following issue :

"Whether the management of Indian Airlines in relation to Regional Director, Southern Region, Meenambakkam in removing the workman Miss Pushpa Iyengar Ex-airhostess from service w.e.f. 28-1-87 is justified ? If not, to what relief the said workman is entitled to ?"

Petitioner made endorsement not pressing the dispute Endorsement recorded. Industrial dispute dismissed as not pressed.

Dated, this the 25th day of November, 1996.

Copy of Endorsement made on behalf of Petitioner

I am not pressing the Industrial dispute.

Dated : 25-11-1996

Sd/- D. Bharathy
(for K. Chandru)

Counsel for Petitioner
THIRU S. THANGARAJ, Industrial Tribunal

नई दिल्ली, 10 जनवरी, 1997

का.आ. 281.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार न्यू डेक आफ इंडिया के प्रबंधन के संबंध में नियोजकों

और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-1-97 को प्राप्त हुआ था।

[संख्या एन-12012/328/91-आईआर (बी-II)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 10th January, 1997

S.O. 281.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the management of New Bank of India and their workmen, which was received by the Central Government on 8-1-1997.

[No. L-12012/328/91-IR (B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 39/92

In the matter of dispute :

BETWEEN

Shri Subhash Kumar S/o Uddham Singh,
B-834,
Jwala Puri,
Camp No. 4,
New Delhi-110041.

Versus

Dy. General Manager,
New Bank of India,
2nd Floor,
Vikrant Tower,
Rajendra Place,
New Delhi-110008.

APPEARANCES :

Shri Bharat Bhushan—for the workman.
Shri Ashwani Kumar—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/328/91-IR. (B-II) dated 26-3-92 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the management of New Bank of India had employed Shri Subhash Kumar as a sub-staff in their Shivaji Park Branch, New Delhi from April, 1987 to January, 1988 and thereafter terminated his services and if so whether the termination of his employment was just and legal? If not, to what relief the worker is entitled to?"

2. Subhash Kumar workman in his statement of claim alleged that he was appointed as a Peon at Shivaji Park Branch Office of the Management on 2-4-87. He was given to understand that after lapse of three years he would be absorbed in the regular service of the bank. He served the bank till 28-1-88 when he was removed by an oral order

without paying wages for December, 87 and January, 88. No notice pay or retrenchment compensation was paid to him. Many persons during his period of temporary employment and thereafter have been engaged on regular payment basis in the said bank but he was not adjusted in any permanent vacancy. He had been receiving some letters on the address of the bank. He also had the occasion to make few entries in the register at times in his own hand during the period of November, 87 December, 87, January, 88 and the last such entry was of 28-1-88. The refusal of the job to the workman was against principles of natural justice and unfair labour practice. Hence this reference.

3. The Management in its reply alleged that the claim of the workman was totally mis-conceived, baseless and without any footing as no such employee in the name of Subhash Kumar was working in the New Bank of India during the alleged period. He was never given to understand that after lapse of few months he would be absorbed in the regular service. No payment was ever made to him by the management as he was never employed. The entries case of the workman was false, frivolous, vexatious, male-fide and concocted one. The case of the workman deserves dismissal.

4. The Management examined Shri V. K. Batra MW-1 while the workman himself appeared as WW-1. I have heard representatives for the parties and have gone through the record.

5. On the basis of evidence produced by the parties and the arguments address by their respective representatives I am of the considered opinion that the workman has not been able to establish his case. No appointment letter was ever issued to him and there is no documentary evidence to establish that he was ever engaged by the management for doing any job, on their behalf. The Management witness Shri B. K. Batra has stated that the workman used to supply some stationery goods for which payment used to be made to him by the Branch. In the absence of any documentary proof it cannot by any stretch of imagination be believed that an organisation like bank would appoint any person orally and would terminate his service by word of mouth. There are responsible officers in the bank and it cannot be presumed that the present workman was employed by the Management as Peon for doing the job of peon he has alleged without any proper orders from the Competent Authority. A Manager alone was not entitled to appoint a Peon and the applicant-workman has not been able to produce any witness who could testify his having worked in the branch during all this period. I am not going to accept his oral version that he was employed by the bank and he worked with them for the period in question. The case of the workman has no legs to stand upon and I, therefore, hold that the workman is not entitled to any relief. Parties are, however, left to bear their own costs.

Dated : 7th January, 1997.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 10 जनवरी, 1997

का.प्र. 282.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार न्यू इंडिया बैंक के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-1-97 को प्राप्त हुआ था।

[संख्या एन-17012/33/91-आईआर (बी-II)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 10th January, 1997

S.O. 282.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government

Industrial Tribunal, New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the management of New India Assurance and their workmen, which was received by the Central Government on 8-1-1997.

[No. L-17012/33/91-IR (B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 137/91

In the matter of dispute :

BETWEEN

Shri Raj Kumar Sharma son of Shri Shree Krishan Sharma,

109, Govind Nagar, Agra (U.P.)

Versus

Zonal Manager,

New India Assurance Co. Ltd.

6, Bahadur Shah Zafar Marg,

Gulab Bhawan, (Rear Block)

New Delhi-110002.

APPEARANCES :

Shri Inderjit Singh—for the workman.

None—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-17012/33/91-I.R. (B-II) dated 21-10-91 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of New India Assurance in terminating the services of Shri Raj Kumar Sharma is justified ? If not, to what relief is the workman entitled to ?"

2. The workman in his statement of claim alleged that he was employed by Branch Manager Civil Lines Agra on permanent and regular work of Sub-Staff w.e.f. 23-7-86. He worked as such upto 30-5-88. The management named the workman as daily-rated employee while there was no such classification. The workman was never paid his wages daily. He was in the regular and permanent employment of the management but the management made such practice and sometimes made payment on vouchers in the name of Ramesh Rakesh or in the like manner with some unlawful motive. He was denied the benefits of equal pay for equal work and other allowance and the management committed unfair labour practice. Total number of working days from 23-7-86 to 30-5-88 came to 442 days with admissible weekly off and holidays number 2-3 and 4. The Management also employed other persons after his termination nor they displayed any seniority list which was mandatory under rule 27 of the Industrial Disputes Central Rules 1957. The Management also did not comply with the provisions of Sections 25-F and G of the said Act. Shri Ravinder Kumar Kashyan and Hari Prasad were junior to the workman. The termination of the services of the workman was illegal, invalid and against all canons of justice. He was entitled to be reinstated with continuity of service and all consequential benefits of past service.

3. The Management in its written statement alleged that the allegations made by the workman in his statement were wrong. He had worked only from 23-7-86 to 22-7-87 for 169 days and from 23-7-87 to 22-7-1988 48 days only. The workman was employed on daily wages and the question of getting work from him in other different names like Ramesh

and Rakesh was not possible by a Public Sector Undertaking like that of the Management. He was not appointed against any permanent nature of work. However, due to exigencies of work he used to be put on work and paid on the basis of quantum/hours of their work. No violation of any provision of the I. D. Act was made out. The claim of the workman was without justification and deserves to be dismissed.

4. The workman appeared as VW-1 and the Management was proceeded against ex parte on 12-1-95. I have heard representative for the workman and have gone through the record.

5. Representative for the workman has urged that there was sworn testimony of the workman in the form of affidavit and also the statement in the court. He was not at all cross-examined by the management as the Management had been proceeded against ex parte. He has argued that there was no reason for the evidence of the workman to be discarded. The workman in his affidavit has also proved his appointment and the number of working days put in by him with the Management.

6. Though the Management had been proceeded against ex parte but prior to the order passed against the management for proceeding ex parte both the parties had inspected the record of the management and have submitted a report about this. From no record it has been established that the workman had been appointed on regular basis and had been working regularly. A perusal of the report of inspection conducted by the representative of the workman himself shows that he was paid on different dates amounts varying from Rs. five to sixty. There was no payment ever made to him on monthly basis and all these payments relate to his having worked on daily basis. There were breaks in the continuity of the payments and the workman representative has not been able to show that he had worked regularly during the period claimed by him in his statement of claim. No witness in support of the delegations made by the workman that Ramesh Kumar, Satish Chander etc. were named in the record. He had been paid the amounts mentioned in this inspection report which is duly signed by the representative for the workman and the Assistant Divisional Manager of the Management. No appointment letter was either alleged or placed on record by the workman and an Organisation like the Management which was a Public Sector Undertaking could not afford to name substituted names for some one in place of the workman. Moreover, had it happens so why should the workman make false signatures on the vouchers in the name which was not his true name. He has also not alleged nor proved that his signatures against the names of Ramesh, Satish etc. were obtained under any pressure or coercion. Keeping in view all the circumstances I am of the opinion that there was no force in the contention of the workman and it cannot be presumed that he continuously worked for more than 240 days as alleged by him and was entitled to be reinstated. The action of the management was fully justified and the workman could not be given any relief by this Tribunal. Parties are, however, left to bear their own costs.

Dated : January 3rd, 1997.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 15 जनवरी, 1997

का.सा. 283.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन एयरलाइन्स के प्रबंधन के संबंध में निोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, -2 मुम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-1-97 को प्राप्त हुआ था।

[संख्या एल-11012/25/91-आईआर (विधि) (कोल-I)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 15th January, 1997

REASONS

S.O. 283.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Airlines and their workmen, which was received by the Central Government on 14-1-97.

[No. L-11012/25 (91-IR(Misc.)(C-1)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT :

Shri S. B. Pansc, Presiding Officer.

Reference No. CGIT-2/31 of 1992

Employers in relation to the management of Indian Airlines, Bombay.

AND

Their workmen.

APPEARANCES :

For the Employer : Mr. K. B. Swamy, Advocate.

For the Workmen : Mrs. Neelima Kaneikar, Advocate.

Mumbai, dated 6th December, 1996

AWARD—PART-II

On 9th July, 1996 by Part-I Award I came to the conclusion that the domestic inquiry which was held against the workman was legal and valid and the rules of Natural Justice were followed. I also observed that the findings of the Inquiry Officers are correct.

2. S. R. Palkar, ex-porter was working in the second shift on 14-6-85. He was attending to the flight IC-107; Bombay-Bangalore. Mrs. Devaha with three children holding Lufthansa tickets reported at the check out counter. She had excess luggage. The worker assured her to get cleared the luggage on payment of Rs. 400. She paid the amount to him. This was noticed by the officials of Indian Airlines management. Ultimately after investigation a chargesheet dated 8-7-85 was issued to him. It was alleged that he committed misconducts contemplated under clause 16(4) and under clause 16(5) viz. dishonesty in connection with business or property of the corporation and taking or giving bribes or any illegal gratification respectively. The inquiry officer found him guilty of the said charges and reported accordingly on 4-3-86. The disciplinary authority after considering the report and the evidence before the inquiry officer passed an order of removal against the worker.

3. Now in this award I have to decide issues Nos. 3 to 5. The issues and my findings there on are as follows :

Issues	Findings
1. Whether the action of the management of Indian Airlines, Bombay in terminating the services of Shri S. R. Palkar, ex-porter with effect from 4-6-1986 is just, proper and legal ?	Yes.
2. If not, to what relief is the workman entitled ?	Does not survive.
3. What award ?	As per final order.

4. Palkar (Exhibit-21) lead evidence to show that the termination is improper. Looking to the charges levelled against him he also tried to establish that it is disproportionate. These are the meagre statements made by him. I do not find any justification for the same. He affirmed that Ramlal Yadav and M. D. Mahakant and many others who were involved in similar charges, are reinstated in their respective posts. He further affirmed that he can produce the necessary documents if it is required. In the cross-examination he admits that he does not know what were the charges against Mahakant and also that of Yadav. He had not produced any document to show that they were charged for similar type of misconduct and the punishment was a different one. As there is no such evidence before tribunal I am not inclined to accept the testimony of Palkar that he is discriminated.

5. Mr. Swamy, the Learned Advocate for the management argued that the prayer which is made by the worker suffers from latches also. I find substance in it. It is because the representation 12-5-86 filed by the worker before the Commercial Manager came to be rejected by his letter dated 30-5-86. Being aggrieved by the said order he preferred an appeal before Regional Director on 24-6-86 which came to be dismissed on 4-12-86. He affirmed that he again made a representation to the Regional Director by letter dated 11-3-87 which came to be rejected. It appears that again he made a representation in March 6th, 1991 before the Director of the Personnel which also met with the same fate. Thereafter a dispute before the Assistant Labour Commissioner, ultimately this reference. In other words he kept mum for about four to five years after the order of his dismissal of the appeal and then tried to get the matter referred to the Tribunal as an Industrial Dispute. This conduct speaks that his actions suffers from latches.

6. Mrs. Kanetkar, the Learned Advocate for the worker argued that in a charge-sheet no nature of punishment is mentioned, therefore the worker is entitled to benefit. This submission is without merit. The charge-sheet is clear in its term and as required by law. There is no need to mention what punishment will be awarded if the charges are proved.

7. The Learned advocate for the worker also argued that the order of punishment which is passed in respect of this alleged misconduct is after six months of the same, which is contrary to the law. She further submitted that it has to set aside. In the statement of claim this point appears to have not taken. Therefore it cannot be accepted. For the sake of argument if it is said that it is taken I do not find any merit in the same. To substantiate her argument the Learned Advocate placed reliance on Superintending Agricultural Officer, Nagpur Division Nagpur and another V/s. Govind Narayan Vaidya 318 LLJ Vol. I 1986. The facts of that case are quite different from the facts before me. It can be further seen that in Bombay Electricity Supply and Transport Workers Union 1973, Maharashtra Law journal, 461, their Lordships observed that the provisions of Section 78(1)(d)(i) of the BIR Act are not mandatory but are directory. As that is so the contention taken by the Learned Advocate has no merit.

8. Mrs. Kanetkar, the Learned Advocate for the worker placed reliance on Mahindra and Mahindra V/s. G. V. Akerkar CLR Vol. II 1988. P. 220 wherein their Lordships came to the conclusion that punishment for theft of Petrol worth Rs. 9.50, punishment of dismissal on employee who served for 10 years is extremely harsh and disproportionate. So the facts of that case are quite different. Here it is a question of taking bribe. The ratio in that authorities has no application.

9. The Learned advocate for the worker also placed reliance on Hemand Singh V/s. Uttar Pradesh State Road Transport Corporation and others. That was a case where the worker was charged with meeting with an accident and his service was terminated. Their Lordships came to the conclusion that the lesser punishment should have been given, as reinstatement of service without any back wages. Again the contents of that case are quite different from the facts before me.

10. It is tried to argue on behalf of the management that due to the proved misconduct namely accepting bribe for clearing out the luggage the management has lost the confidence in the worker. It is argued that the misconduct which is proved is of a grievous nature and the punishment should have been that of a dismissal. But the management had considered the point and had taken the sympathetic view and awarded the punishment of removal. Under such circumstances even though there is a jurisdiction under section 11A of the Industrial Disputes Act of 1947 to set aside the punishment and alter the same to the appropriate punishment. This is not a case to exercise jurisdiction under section 11A of the Act.

11. The Learned advocate for the worker also placed reliance on Ramakant Mishra v. The State of U.P. and others, 1 L.L.J. 472, Supreme Court. In that case the worker who was a member of the managing body was found guilty of conduct likely cause breach of peace threatening the employee within the premises and conduct prejudicial to company order and discipline. He was dismissed from service. Their Lordships observed that to some extent misconduct is a civil crime which is visited with civil and pecuniary consequences. Here in this case it can be seen that the misconduct is not only civil crime but is a criminal one also. I therefore find that the ratio given in that authority that the tribunal has jurisdiction under section 11A of the Industrial Disputes Act and when it is found sufficient to use the same cannot be applied in the present matter, for the reasons stated above. In the result I find that the order of removal which is passed by the disciplinary authority by way of punishment for the charges proved is legal and proper. It does not warrant any interference. In the result I record my findings on the points accordingly and pass the following order :

ORDER

The action of the management of Indian Airlines Bombay in terminating the service of Shri S. R. Palkar, exporter w.e.f. 4-6-86 is just, proper and legal.

S. B. PANSE Presiding Officer

नई दिल्ली, 16 जनवरी, 1997

का.ग्रा. 284.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वी. पी. सी. एल. के प्रबंधन के संबंध निर्यातकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं-1), मुंबई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-1-97 को प्राप्त हुआ था।

[संख्या एल-20040/98/95-आई आर (सी-आई)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 16th January, 1997

S.O. 284.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.P.C.L. and their workmen, which was received by the Central Government on 14-1-97.

[No. L-20040/98/95-IR(C.I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT:

Shri Justice R. S. Verma, Presiding Officer.

Reference No. CGIT-1/35 of 1996

PARTIES:

Employers in relation to the management of M/s. Bharat Petroleum Corporation Ltd.

AND

Their workmen.

APPEARANCES:

For the Management: No appearance.

For the Workman: Shri Satish Kumar Nair, General Secretary of the Union.

State: Maharashtra.

Mumbai, dated the 6th day of January, 1997

AWARD

Shri Satish Kumar Nair, General Secretary of the union present. No claim has been filed. Rather, the union has submitted a written application to the effect that they do not want to proceed further in the matter.

Hence, a 'no dispute' award is made. The application is made a part of the award and its copy be annexed to the copy of the award, to be sent to the Ministry.

R. S. VERMA, Presiding Officer

नई दिल्ली, 16 जनवरी, 1997

का.ग्रा. 285.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में, इसको का नूनीडोह जीतपुर कोलियरी के प्रबंधन के संबंध निर्यातकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण (सं-1), धनबाद के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 13-1-97 को प्राप्त हुआ था।

[संख्या एल-20012/332/94-आई आर (सी-I)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 16th January, 1997

S.O. 285.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Nooridih Jitpur Colliery of M/s. IISCO and their workmen, which was received by the Central Government on 13-1-97.

[No. L-20012/332/94-IR(C.I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947

Reference No. 105 of 1995

PARTIES :

Employers in relation to the management of Noonodih Jitpur Colliery of M/s. HISCO Ltd.

AND

Their Workmen.

PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer.

APPEARANCES :

For the Employers : None.

For the Workmen : None.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 6th January, 1997

AWARD

By Order No. L-20012(332)/94-I.R. (Coal-I) dated 25-8-95 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal for adjudication :

"Whether the action of the management of Noonodih Jitpur Colliery of M/s. HISCO Ltd., in denial of promotion in Clerical Grade-I to Shri S. V. Prasad (Pass No. 4384) is justified? If not, to what relief Shri S. V. Prasad is entitled to and from which date?"

2. The order of reference was received in this Tribunal on 4-9-95. Thereafter notices were issued to the parties to file written statement by the workman, but none appeared on behalf of the workman. Despite notices sent to the parties twice by registered post no one appeared from either side. Therefore, it appears that neither the sponsoring union nor the concerned workman is interested to prosecute the case.

3. In such circumstances, I render a 'No Dispute' award in the present reference case.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, 16 जनवरी, 1997

का.आ. 286.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी. एन. का कुसुंडा कोलियरी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण (सं-1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-1-97 को प्राप्त हुआ था।

[संख्या एस-20012/257/94-आई आर (सी-I)]

ब्राज मोहन, डेस्क अधिकारी

New Delhi, the 16th January, 1997

S.O. 286.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure in the

Industrial Dispute between the employers in relation to the management of Kusunda Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 13-1-97.

[No. L-20012/257/94-IR(C-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of a reference under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947.

Reference No. 224 of 1994

PARTIES :

Employers in relation to the Management of Kusunda Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen

PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer

APPEARANCES :

For the Employers—Shri S. N. Ghosh,
Advocate

For the Workmen—None

STATE : Bihar

INDUSTRY : Coal

Dated, the 6th January, 1997

AWARD

By Order No. L-20012/257/94-I.R. (Coal-I), dated 31-8-94 the Central Government in the Ministry has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of management of M/s. BCCL Area No. VI in relation to Kusunda Colliery in dismissing workman, Shri Paika Ram, Bhatta Trammer w.e.f. 5-10-89 is justified? If not, what relief the concerned workman is entitled to?"

2. The order of reference was received in this Tribunal on 5-9-94. Thereafter notices were issued to the parties to file written statement by the workman. But none appeared on behalf of the workman to take any step in this case. After giving several adjournments notice was also sent to the sponsoring union for filing written statement

on behalf of the workman, but neither the workman nor the sponsoring union appeared. Therefore, it appears that neither the sponsoring union nor the concerned workman is interested to prosecute the case.

3. In such circumstance, I pass a 'No Dispute' award in the present reference case.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, 16 जनवरी, 1997

का. प्रा. 287.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिन्डिकेट बैंक के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंच-पट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-1-97 को प्राप्त हुआ था।

[संख्या एल-12012/361/90 आई आर बी-2]
ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 16th January, 1997

S.O. 287.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workmen, which was received by the Central Government on 14-1-97.

[No. L-12012/361/90-IR B-2]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 14/91

In the matter of dispute

BETWEEN

Shri Om Dutt Nagar S/o Shri Bishamber Singh through D. K. Chahal, C-623, Laxmi Bai Nagar, New Delhi

Versus

General Manager, Syndicate Bank, Super Bazar Branch, Connaught Place, New Delhi

202 GI/97—5

APPEARANCES :

None for the workman

Shri Rajesh Mahendru—for the management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/361/90-I.R. (B-2), dated 13-2-91 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Syndicate Bank, Super Bazar Branch, Connaught Place, New Delhi is not allowing Shri Om Dutt Nagar, Waterman to do duty w.e.f. 8-5-1990 was justified ? If not to what relief the workman is entitled ?"

2. The facts as stated in the Statement of Claim are that the workman was employed by the Management of Syndicate Bank Connaught Place as Water Man on temporary basis w.e.f. 1-6-87 upto 7-5-90 for a continuous period of three years on the monthly salary of Rs. 200 P.M. from the bank and Rs. 250 were being paid for the contribution made by the staff. He performed his duties efficiently and effectly with due duress. The workman in addition to his duties as a watchman used to give drinking water to the staff, used to carry official files and papers from one section to another and also to different branches of the bank in New Delhi. He used to work 9 hours a day as a full time worker in the bank. According to employment drive made by the Government for filling up the vacancies of Scheduled Castes, Scheduled Tribes candidates Syndicate Bank got published an Advertisement in Hindustan 'Hindi Edition' on 28-7-89. The workman also applied or filling up 19 vacancies for class IV employees. They were to be interviewed on 29-7-89. The workman also applied for interview and he qualified the interview. He was not allowed to join alongwith other selected candidates. Had been allowed to join duty he would have drawn about Rs. 1400 P.M. from the scale of the post. He made different representations but nothing was done till date. The Act of the management was uncalled for and against natural justice. Hence this reference.

3. The Management filed written statement in which besides certain preliminary objections it was alleged that the applicant was never employed on temporary basis as waterman. He was in fact not appointed for any work at any time by the bank during the year 1987. Connaught Circus Branch of the bank had acute shortage of water and the applicant approached the bank for supplying water and started supplying the same on Rs. 200 P.M. No other payment was ever made by the bank nor was he employed. Regarding the other payment of Rs. 250 P.M. by the contribution from the staff, the Management has

alleged that they were not involved in any manner about this payment. The Management has further denied all other acts being done by the workman in his statement of claim. The selection of eligibility of S.C. and S.T. candidates was made and the vacancies were filled according to selection process. No amount is payable to the workman applicant.

4. The workman absented during the proceedings of this case and was ordered to be proceeded against ex parte on 1-11-1994. On that date the statement of Virender Dhawan, Manager, Management MW1 was recorded. The workmen never appeared to leave and evidence and argue the case.

5. On the basis of the evidence produced by the management, I am satisfied that the workman has not been able to prove his case. There is neither any documentary nor oral evidence to establish that he was even engaged by the management on daily basis for a period of three years. The management witness has stated on oath and proved the contents of his affidavit Ex. MW111 I find no reason to disbelieve him. I am, therefore, on the basis of the facts and circumstances of this case satisfied that the action of the management was fully justified and the workman is not entitled to any relief. Award is given accordingly. Parties shall bear their own costs.

GANPATI SHARMA, Presiding Officer
January 8th, 1997

नई दिल्ली, 20 जनवरी, 1997

का. आ. 288.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आंध्रा बैंक के प्रबन्धन के संवर्धन नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-01-97 को प्राप्त हुआ था।

[संख्या एल-12012/299/93-आई आर (बी-II)]

राज मोहन, डेस्क अधिकारी

New Delhi, the 20th January, 1997

S.O. 288.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Andhra Bank and their workmen, which was received by the Central Government on 14-1-97.

[No. L-12012/299/93-IR(B.II)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT:

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated, 9th day of December, 1996

Industrial Dispute No. 36 of 1994

BETWEEN

The Secretary, Andhra Bank Award
Employees' Union, Opp. Reddy
Women's College Hostel, 3-4-529,
Lingampally, Hyderabad.

..Petitioner.

AND

The General Manager (P), Andhra
Bank, Central Office, Sultan
Bazar, Hyderabad.

..Respondent.

APPEARANCES:

M/s. V. Srinivas and B. H. Rao, Advocates for the
Petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Honorary
Secretaries of A. P. Chambers of Commerce and
Industry for the Respondent.

AWARD

The Government of India, Ministry of Labour, New Delhi by its Order No. L-12012/299/93-IR(B.II) dated 5-5-1994 made a reference to this Tribunal under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 for adjudication of the Industrial Dispute mentioned in its schedule which reads as follows:

"Whether the action of the management of Andhra Bank, Hyderabad in removing Sri T. Subramaniam, Sub-Staff from service by way of voluntary cessation of employment with effect from 17-9-1987 is justified?"

If not, what relief is the said workman entitled to?"
After receipt of the above reference, this tribunal issued notice to both the parties and both parties have put in their appearance and filed claims statement and a counter.

2. The workman filed a claim statement contending inter alia as follows:—The Petitioner was appointed in 1979 as Sub-Staff. He has been working in Chief Manager's Office till 1986 when he was transferred to Kurnool. The Petitioner worked to the satisfaction of the superiors of the Bank. His wife has been working in D.R.D.L. at Hyderabad and in a non transferable job. The Petitioner was transferred to Kurnool vindictively knowing that his wife cannot be transferred and he has to look after his old mother and young children. It was in contravention to the transfer policy of the Bank. The other Sub Staff have been working since 15 to 20 years at Hyderabad but they were not transferred. The Petitioner became sick and he has been sending applications for sick leave with medical certificate but they were not sanctioned and refused. The Management terminated the services of the petitioner without any notice. The notice dated 20th January, 1988 was not served upon the petitioner nor published in the newspapers. He was not reinstated in spite of the letter of the Personnel Manager of Central Office by the Regional Manager. The termination is bad in law as the petitioner did not abstain from duty without applying for leave. He applied for leave. The petitioner was appointed by the Staff Manager of Head Office and the Regional Manager. Kurnool cannot remove him from service or hold that there was voluntary cessation of service. The striking of the name of the petitioner from the rolls and terminating his service due to absence amounts to retrenchment. The retrench-

ment is not valid as Section 25-F of the I.D. Act was not followed. The petitioner filed W.P. No. 15535/89 in the High Court of Andhra Pradesh, withdrew the same on 6th November, 1992 and then raised this dispute. The petitioner is entitled to reinstatement with back wages and other benefits.

3. The Respondent-Management filed a counter contending as follows:—The petitioner abandoned the services on 17th September, 1987. Andhra Bank Award Employees Union was joined in February 1990 and so the said Union cannot espouse the cause of the petitioner. It is a stale claim raised 7 years after the dispute arose and it cannot be entertained. The averments that the petitioner rendered satisfactory service is not correct. He was punished earlier twice for producing forged documents and for absence from duty. The petitioner absented from duty for 212 days between 3-9-1985 and 11-10-1986 unauthorisedly. He was transferred to Kurnool by Orders dated 6-8-86 and relieved on 22-10-1986. He abstained from duty from 23-10-1986 to 30-11-1986 and reported to duty on 1-12-1986. He again abstained from duty as follows:

05-12-86	to	12-12-86	..	8 days
13-12-86	to	19-12-86	..	7 days
20-12-86	to	31-12-86	..	12 days
01-01-87	to	31-01-87	..	31 days
01-02-87	to	14-02-87	..	14 days
15-02-87	to	03-03-87	..	17 days
09-03-87	to	10-03-87	..	2 days

The averments that the Petitioner was transferred vindictively and against the transfer policy etc., is not correct. The Petitioner was issued charge memo. dt. 14-2-1987 for his absence from duty from 5-12-1986 to 10-3-1987 but it could not be served as he again absented himself upto 2-9-1989. He reported for duty on 3-9-1987 and again started absenting from duty from 17-9-1987. The charge sheet dated 23-10-1992 was issued to his last known address which was returned undelivered. As per Clause 16 of the Bipartite Settlement dated 13-9-1984, when an employee absents from duty without leave for 90 days or more, he is deemed to have voluntarily abandoned the services and the Management can give notice to the employee to resume duty without 30 days and if he does not report for duty or give satisfactory explanation for his absence, the employees may be deemed to have voluntarily retired from Bank's service. The Petitioner abstained for more than 90 days and he was issued a notice dated 20-1-1988 asking him to report for duty. The notice was sent to his last known address but it was returned back. The Petitioner was also informed about himself voluntarily abandoning the service by notice dated 30-3-1988 which was also returned back. The allegation of the petitioner that the petitioner has been sending leave letters and medical certificate is false. The Respondent did not receive any such application. The Petitioner wants to stay at Hyderabad only. In fact he has been staying at Hyderabad and following his case in the Central Office. There is no practice of publishing the notices in newspapers. The Petitioner is unauthorisedly absent and so he has abandoned the service. The case of the petitioner falls within the exception to Section 2(c) of the I.D. Act. The Bipartite Settlement was accepted by the High Court as valid in P. Venkateswarlu's case. The Staff Manager of the Central Office and the Regional Manager are of equal rank and the Regional Manager can remove a workman. The Bank never treated the case of the petitioner as compulsory retirement. It is a case of voluntary abandonment of service. The Petitioner is not entitled to any relief.

4. The Petitioner-workman examined himself as W.W.1 and filed Exs. W1 to W22. He also examined the Joint Secretary of the Union as W.W.2. The Personnel Officer of the Bank, the Regional Manager, Kurnool and the then Manager of Andhra Bank, Narasaraopet Branch, Kurnool was examined as M.Ws. 1 to 3 respectively. The Respondent filed Exs. M1 to M32.

5. The point for consideration is whether the Petitioner is entitled to reinstatement with back wages?

6. POINT.—The Petitioner was appointed as Sub-Staff by Ex. M2 order dated 2-1-1977. He has been working in the Head Office. He was served with Ex. M3 charge sheet dt. 6-7-1985 for producing forged counter foil as if he paid back the P.F. loan and after enquiry he was punished with s.o.p. page of two increments by Ex. M5 dated 15-7-1986 after giving Ex. M4 show cause notice. He was also served with Ex. M6 Charge sheet dated 11-11-85 for abstaining from duty without leave from 16-9-1985 to 11-11-1985. He gave an explanation. The Head Office warned him by Ex. M7 proceedings dated 9-3-1987. Ex. M8 is another charge sheet dated 12-3-1985 for absenting from duty from 16-12-1984 to 18-2-1985. Again two increments were stopped by Ex. M9 dated 18-3-87 and confirmed by Ex. M10 dt. 12-11-87.

7. While the conduct of the Petitioner was as above, he was transferred to Kurnool Region by Ex. M11 order dt. 9-3-1986 and he was relieved on 22-10-1986 by Ex. M13. The Regional Manager, Kurnool posted him to Narasaraopet Branch in Kurnool Town by Ex. M12 dt. 11-9-1986. The actual date of joining service is not known. But from the suggestion given to Petitioner it can be seen that he joined on 12-10-1986, worked upto 22-10-1986 and remained absent from 23-10-1986 to 13-11-86. The Petitioner admits that he absented from duty from 23-10-86 to 13-11-86 but he pleads that he applied for leave. The petitioner was served with Ex. M14 charge sheet for his absence as follows:—

30-10-86	to	30-11-86
05-12-86	to	12-12-86
13-12-86	to	19-12-86
20-12-86	to	31-12-86
01-01-87	to	31-01-87
01-02-87	to	14-02-87
15-02-87	to	03-03-87
09-03-87	to	10-03-87
16-03-87	to	24-03-87
31-03-87	to	06-04-87
08-04-87	to	18-04-87
27-04-87	to	02-05-87

The leave applications filed by the Management itself suggests that he applied for leave for certain periods and they are as follows:—

S.N.	Ex.No.	From	To	Purpose
1.	Ex. M31	01-02-87	15-02-87	Sick
2.	Ex. M32	27-04-87	02-05-87	Sick
3.	Ex. M19	04-05-87	11-05-87	Sick
4.	Ex. M20	12-05-87	31-05-87	Sick
5.	Ex. M21	01-06-87	30-06-87	Sick
6.	Ex. M24	01-07-87	20-07-87	Sick
7.	Ex. M23	31-07-87	31-07-87	Sick
8.	Ex. M22	07-09-87	09-09-87	Domestic urgent work
9.	Ex. M25	15-09-87	16-09-87	Domestic urgent work.

The above applications cover some of the periods referred to in Ex. M14 charge sheet.

8. The Branch Manager, Narasaraopet Branch sent Ex. M126 report to the Regional Office on 23-9-1987 representing that the petitioner having availed casual leave on 15th and 16th September, 1987, abstained from duty again from 17-9-1987.

9. The Petitioner claims that he has been sending leave applications but they were not granted or refused. I would refer to the same infra. A notice Ex. M16 (a) dt. 20-1-1988 was sent to the Petitioner to his last known address "9, Subramanyam H. No. 4-6-436, Esamia Bazar, Hyderabad-27" in Ex. M16 Cover. Ex. M15 is copy of Ex. M16 (a). It was mentioned therein that the Petitioner has been absenting from duty from 17-9-1987 without prior permission or sanction of leave by the competent authority and so this notice was served upon him in terms of Clause 16 of the Bipartite Settlement dt. 17-9-1984 calling upon him to report for duty and submit his explanation within 30 days.

from the date of receipt of this notice and otherwise it would be construed that he has voluntarily retired from bank service with immediate effect. This notice is not served on the petitioner. The Postal department returned the cover with the endorsement that "the party left without instructions hence returned to the sender". The bank waited till March 1988 and sent Ex. M18(a) letter dated 30-3-88 informing the petitioner that he is no more in the service of the bank due to his absence from duty from 17-9-1987 and failing to inform his whereabouts to the higher authority and that he is deemed to have voluntarily retired from bank service w.e.f. 17-9-1987. This letter Ex. M18 (a) sent in Ex. M18 was also returned with endorsement that "the party left without instruction". Ex. M17 is a copy of Ex. M18 was also returned with the endorsement that obtained Ex. W18 and W19 the copies of the notices dated 20-1-1988 and final order dt. 31-3-1988 respectively on 28-6-1988, as endorsed upon them. Earlier to that he approached the Personnel Manager in Central Office and got Ex. W20 dt. 29-4-1988 written to the Regional Manager for taking him on duty. The Regional Manager did not take him on duty. The Petitioner claims to have submitted Ex. W17 representation dt. 21-10-1988 for reinstatement and says it is not considered. Thereupon the Petitioner filed writ Petition No. 15535/89 in the High Court to quash the order dt. 30-3-1988. He withdrew the Writ Petition on 6-11-1992 and so it was dismissed by Ex. W21 order of even date. Thereafter he raised this dispute.

10. The Bank treated that the Petitioner voluntarily retired from service as he abstained for more than 30 days from 17-9-87. They relied upon Clause 16 of the Bipartite Settlement dated 17-9-1984 which reads as follows :—

"Where an employee has not submitted any application for leave and absents himself from work for a period of 90 or more consecutive days without or beyond any leave to his credit or absents himself for 90 or more consecutive days beyond the period of leave originally sanctioned or subsequently extended or where there is satisfactory evidence that he has taken up employment in India or the management is satisfied that he has no present intention of joining duties the management may at any time thereafter give a notice to the employee's last known address calling upon the employee to report for duty within 30 days of the notice, stating, inter alia, the grounds for the management coming to the conclusion that the employee has not intention of joining duties and furnishing necessary evidence, where available. Unless the employee reported for duty within 30 days or unless he gives an explanation for his absence satisfying the management that he has not taken up another employment or avocation and that he has no intention of not joining duties, the employee will be deemed to have voluntarily retired from the Bank's service on the expiry of the said notice. In the event of the employee submitting a satisfactory reply, he shall be permitted to report for duty thereafter within 30 days from the date of the expiry of the aforesaid notice without prejudice to the Bank's right to take any action under the law or rules of service."

11. The workman raised two contentions. Firstly, that he sent leave applications Exs. W1, W3, W5, W7, W9, W11, W13 and W15 as per Exs. W2, W4, W6, W8, W10, W12 and W14 certificate of postings upto 2-5-1988 and so the allegation of unauthorised absence is false. Secondly, the Bipartite Settlement is not valid in law in lieu of the decisions of the Supreme Court in D. K. Yadav v. J. M. A. Industries Ltd. (1993 (3) Scale Page 39). The Respondent contends that the Petitioner brought Exs. W1 to W16 documents into existence to suit his convenience and falsity of his sickness may be seen from the inconsistency between the medical certificate Ex. W22 and his own oral evidence. He also argued that even if the Clause in the Bipartite Settlement that the Bank can treat the Petitioner as voluntarily retired from service is not valid, the Bank can prove the misconduct of the Petitioner in this Court in support of the order of retiring him from service.

12. The petitioner submitted the leave applications on the ground that he was sick as follows :—

S. No.	Ex.No.	Purpose	From	to	Certificate of posting Ex. No.
1.	W1	Sick	15-09-87	31-09-87	W2
2.	W3	Sick	01-10-87	31-10-87	W4
3.	W5	Sick	01-11-87	20-12-87	W6
4.	W7	Sick	01-12-87	20-12-88	W8
5.	W9	Sick	21-12-87	13-01-88	W10
6.	W11	Sick	14-01-88	31-01-88	W12
7.	W13	Sick	01-02-88	31-03-88	W14
8.	W15	Sick	01-04-88	02-05-88	W16

No doubt the above applications cover the period from 15-9-87 to 2-5-1988. The Petitioner claims to have reported for duty on 3-5-1988 and deposes that he was not permitted to resume duty. The Petitioner produced Ex. W22 Medical Certificate issued by Dr. S. Ananth Kumar, Essmia Bazar, Hyderabad. In this Certificate the Doctor certified that the petitioner was under his treatment from 15-9-1987 to 2-5-1988 for chronic Hipetitis but the Petitioner in his evidence as W.W.1 deposed that in May 1987 he met with a road accident at Hyderabad and suffered fracture of the right leg at ankle level. He took treatment initially in Osmania General Hospital and thereafter from a Private Doctor and in all he took treatment for a period of one year.

13. While the Petitioner deposed that he suffered with fracture and he does not speak about Hipetitis, the Doctor certifies that the petitioner suffered with Hipetitis. Thus the petitioner came forward with a false version. He does not refer to the actual disease either in his leave application or in his Writ Petition or in the claim statement filed in this Tribunal. He is coming forward with an absolutely a false case. He admits in his evidence that since 8 years he has been living in the quarters given to his wife by D.R.D.L. but he made the Doctor to write in the certificate that he is still living in the address of Essmia Bazar.

14. Usually when a party claims to have sent a letter by certificate of posting and produces the receipt of post office in support of certificate of posting, it has to be given some weight. But in this case the petitioner came forward with a false version about his sickness and so Exs. W1 to W16 cannot be given any weight. The Manager also denied to have received the originals of these leave letters.

15. The Petitioner misconducted himself by abstaining from duty without any reasonable cause. In the usual course the action of the Respondent-Management has to be upheld even if it amounts to removal from service for misconduct without conducting an enquiry as the misconduct is proved in this court. But the Petitioner was not removed from service as a punishment for misconduct. He was treated to have voluntarily retired from Bank's service in pursuance of the Bipartite Settlement. Our High Court upheld this clause in the Settlement as more beneficial on the employee than the retrenchment under Section 25-F of the I.D. Act, in T. Venkateswarlu v. Branch Manager, Syndicate Bank Vijayawada and another [1990(1) LLJ, Page 533]. However the learned counsel for the Petitioner workman relied upon the decisions of the Supreme Court and our High Court rendered in similar circumstances. In Sri D. K. Yadav v. M/s. J. M. A. Industries Ltd. [1993(1) Scale Page 39]. Clause 13(2)(iv) of the Certified Standing Orders of the Company, which reads that when a workman is absent from duty for more than 8 days without leave or prior information or intimation or previous permission of the Management, he is deemed to have left the service of the Company on his own account and lost his lien on the appointment, came for consideration. The termination of the service of the workman by the Company relying on the above clause was upheld by the Labour Court as the workman failed to prove his explanation for his absence. The Labour Court also held that it does not amount to retrenchment. It was contended before the Supreme Court that the action of the Management amounts to retrenchment. The Supreme Court considered its own decision in Punjab Land Development and Reclamation Corporation Ltd.,

Chandigarh v. Presiding Officer, Labour Court, Chandigarh and Ors. [1990(3) S.C.C. Page 524] and other decisions and held:

"Therefore, we find force in the contention of Sri R. K. Jain, the learned Senior Counsel for the appellant that the termination 'retrenchment' in S. 2(oo) is a comprehensive one intended to cover any action of the management to put an end to the employment of an employee for any reason whatsoever. We need not, however rest our conclusion on this point as in our considered view it could be decided on the other contention raised by Sri Jain that the order is violative of the principles of natural justice."

The Supreme Court also held that the said action of the Management is violative of principles of natural justice and held in para 15 as follows:

"In this case admittedly no opportunity was given to the appellant and no enquiry was held. The appellant's plea put forth at the earliest was that despite his reporting to duty on December 3, 1980 and on all subsequent days and readiness to join duty he was prevented to report to duty, nor he be permitted to sign the attendance register. The Tribunal did not record any conclusive finding in this behalf. It concluded that the management had power under Clause 13 of the Certified Standing Orders to terminate with the service of the appellant. Therefore, we hold that the principles of natural justice must be read into the Standing Order No. 13(2)(iv). Otherwise it would become arbitrary, unjust and unfair violating Art. 14. When so read the impugned action is violative of the principles of natural justice."

The Supreme Court ordered for reinstatement. A Division Bench of our High Court has to consider a similar rule in the Standing Orders of A.P. State Electricity Board in the Chief Engineer, Central Zone, APSEB, Vijayawada and Others v. K. Naga Hema [1996(1) ALT Page 40]. The Division Bench relied upon the above Supreme Court decision and held as follows:

"The fallacy, however, in the stand of the Board starts from its case that the service of the husband of the Writ Petitioner stood automatically terminated for his long unauthorised absence from duty. Allegation that some one is absent without any grant of leave, by the competent authority, is obviously an allegation leading to a charge of misconduct on the part of the employee. When such a charge is levelled against the employee, it is imperative the employer is duty bound to hold enquiry into the alleged misconduct, before making any order or removal from service, which in every sense will be an order imposing a major punishment. The view which several High Courts expressed and applied in different parts of the country, notwithstanding the rules or certified standing orders providing for such automatic cessation of contract of service, has now been expressed by the Supreme Court in the case in D. K. Yadav vs. J.M.A. Industries Ltd., in the case of private employer, which it is stated principles of natural justice and duty to act in just, fair and reasonable manner must be read into the standing orders and notwithstanding the order which provided for automatic cessation of contract of service, the Court has directed that such order to terminate the service can be made only after an enquiry, otherwise it will be violative of Articles 14, 16(1) and 21 of the Constitution of India."

16. The Supreme Court held in Workmen B. & C. Mills v. Mgmt. of B. & C. Mills [1969 (19) F.L.R. Page 253 S.C.] that the Standing Orders are like agreement between the workmen and the management with regard to the condition of service. The Bipartite Settlement relied upon by the Management is also one such agreement. Hence the principles applied by the Supreme Court and a Division Bench of our High Court with regard to Standing Orders equally apply to the Bipartite Settlements also.

17. The learned counsel for the Management tried to justify the action of the management and distinguish the above decisions by contending that the management in this case served notice upon the petitioner workman to resume duty and in spite of notice he did not resume duty. She also argued that such a notice was not given in the decision relied upon by the learned counsel for the petitioner, but no notice was served. No enquiry was conducted treating the absence as misconduct. So it amounts to retrenchment.

18. The learned counsel for the Management relied upon the decisions reported in SYNDICATE BANK STAFF ASSOCIATION BY ITS GENERAL SECRETARY V. SYNDICATE BANK COMMISSIONER (CENTRAL) HYDERABAD AND OTHERS [1968 (11) LLJ. Page 112] in BRITANNIA BISCUITS CO. LTD. EMPLOYEES UNION V. ASSISTANT COMMISSIONER OF LABOUR HEADQUARTERS AND OTHERS [1983 (1) LLJ. Page 181] and in ANDRA SCIENTIFIC CO. MACHILIPATNAM BY AUTHORISED CONTROLLER V. THE LABOUR COURT, GUNTUR AND OTHERS [1990 (1) LLJ. Page 259] with regard to the validity of the settlement and its binding nature on the employees. No doubt the condition in the settlement is binding upon the petitioner but such a termination is invalid in view of the pronouncement of the Supreme Court. She also relied upon the decision reported in MRS. SHILPI BOSE AND OTHERS V. STATE OF BIHAR AND OTHERS (AIR 1991 S. C. Page 532) and in UNION OF INDIA AND OTHERS V. S. L. ABBAS (1993 S.C. Page 2444) with regard to the right of the Management to transfer employees. We are not deciding the validity of the transfer and so it is not relevant. The decision in PRAGA TOOLS LIMITED, SECUNDERABAD V. PRAGA TOOLS LIMITED MAZDOOR SABHA AND OTHERS [1975 (1) LLJ. Page 218] as to whether the Conciliation Officer becomes functus officio after he makes a report is not relevant for the present case.

19. For the foregoing reasons, I hold that the order of the Respondent.—Management retiring the Petitioner from service as if he retired from service voluntarily amounts to retrenchment. The Management did not follow Chapter V-B of the I.D. Act. Hence he is entitled to reinstatement. The right of the Management to hold a domestic enquiry with regard to the misconduct of the petitioner in absconding from service is kept open. The back wages also depend upon the result of such an enquiry.

20. In the result, Award is passed directing the Respondent-Management to reinstate the Petitioner into service with the following conditions. (i) The Petitioner is entitled to continuity of service for fixing his pay with annual increment notionally from 1987, (ii) he is not entitled to back wages or any other monetary benefits for the period from 15th September, 1987 to the date of resuming duty for the present, (iii) The petitioner is not entitled to accrual of any leave from 15th September, 1987 to the date of joining service for the present. (iv) The Management is at liberty to conduct a domestic enquiry with regard to absence from duty from 15th September, 1987 to the date of retiring him from service and pass appropriate order. The said order should cover the wages from 15th July, 1987 to the date of reinstatement and the leave that would have accrued had he been in service during this period. The petitioner is entitled to wages from one month after the publication of this Award or the date of resumption from service, whichever is earlier.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 9th day of December, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I
Appendix of evidence

Witnesses examined for the Petitioner :

W.W.1—T. Subramanyam.

W.W.2—D. Koteswar Rao.

Witnesses examined for the Respondent :

M.W.1—S. V. Krishna Mohan.

M.W.2—J. Pullaiah.

M.W.3—V. Chinna Rao.

Documents marked for the Petitioner.

- Ex. W1/15-9-87—Leave Letter.
 Ex. W2/15/9-87—Receipt of Under Certificate of Posting.
 Ex. W3/1-10-87—Leave letter from 1st October, 1987 to 31st October, 1987.
 Ex. W4/1-10-87—Certificate of Posting.
 Ex. W5/1-11-87—Leave letter from 1st November, 1987 to 31st November, 1987.
 Ex. W6/1-11-87—Certificate of Posting.
 Ex. W7/1-12-87—Leave letter from 1st December, 1987 to 20th December, 1987.
 Ex. W8/1-12-87—Certificate of Posting.
 Ex. W9/21-12-87—Leave letter from 21st December, 1987 to 13th January, 1988.
 Ex. W10/21-12-87—Certificate of posting.
 Ex. W11/13-1-88—Leave letter from 14th January, 1988 to 31st January, 1988.
 Ex. W12/13-1-88—Certificate of Posting.
 Ex. W13/1-2-88—Leave letter from 1st February, 1988 to 31st March, 1988.
 Ex. W14/1-2-88—Certificate of Posting.
 Ex. W15/1-4-88—Leave letter from 1st April, 1988 to 2nd May, 1988.
 Ex. W16/1-4-88—Certificate of Posting.
 Ex. W17/1-4-88—Representation made to the General Manager (Planning & Development) Andhra Pradesh.
 Ex. W18/20-1-88—Copy of notice under voluntary cessation of Employment.
 Ex. W19/30-3-88—Dismissal Order.
 Ex. W20/29-4-88—Letter addressed to Regional Manager, Kurnool.
 Ex. W21/29-4-88—Xerox copy of the High Court Order in W.P. 15535/89.
 Ex. W22/—Medical Certificate.

Documents marked for the Respondent :

- Ex. M1/29-4-88—Notice enclosing the Writ Petition copy in W.P. No. 15335/89.
 Ex. M2/29-4-88—Xerox copy of the appointment order.
 Ex. M3/8-7-85—Charge Sheet issued to the workman.
 Ex. M4/25-2-86—Order of the Disciplinary Authority proposing dismissal from service of W.W.1.
 Ex. M5/15-7-86—Order of Disciplinary Authority reducing the proposed dismissal to that of two increments withholding for cumulative effect.
 Ex. M6/11-11-85—Charge Sheet issued to WW1 for unauthorised absence.
 Ex. M7/19-3-87—Order of disciplinary authority of giving warning for the charge sheet dated 11th November, 1985.
 Ex. M8/12-3-85—Charge Sheet issued to the workman for an unauthorised absence from 16th February, 1984 to 18th February, 1985.
 Ex. M9/18-5-87—Order of the Disciplinary Authority imposing the punishment of stoppage of two increments with cumulative effect.
 Ex. M10/12-11-87—Order of the Appellate Authority confirming the stoppage of annual increments for the year 1988-89.
 Ex. M11/6-8-86—Transfer order transferring WW1 from Hyderabad to Kurnool Region.
 Ex. M12/11-9-86—Further posting order issued by Regional Manager Kurnool posting WW1 at Narasaraopet Branch.
 Ex. M13/20-10-86—Relieving order issued by Hyderabad Main Branch relieving WW1 to Kurnool.

- Ex. M14/11-5-87—Charge Sheet issued by Regional Manager, Kurnool to WW1 for unauthorised absence.
 Ex. M15/20-1-88—Notice issued to WW1 by the Regional Manager, Kurnool asking WW1 to report for duty within 30 days from the receipt of notice.
 Ex. M16/20-1-88—Returned postal cover addressed to WW1.
 Ex. M16(a)/20-1-88—Contents of Ex. M16.
 Ex. M17/30-3-88—Voluntary cessation of employment of employee issued to WW1.
 Ex. M18/30-3-88—Returned postal cover addressed to WW1.
 Ex. M18(A)/30-3-88—Contents of Ex. M18.
 Ex. M19 to M25/30-3-88—Applications submitted by the workman for sick leave.
 Ex. M26/23-9-87—Letter addressed by M.W.3 to Regional Office regarding unauthorised absence of the workman.
 Ex. M27/23-9-87—Bipartite settlement 8th September, 1983.
 Ex. M28 to M32/23-9-87—Sick leave application submitted by workman for sanction of sick leave.

नई दिल्ली, 10 जनवरी, 1997

का.आ. 289—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न रेलवे, वदोदरा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, वदोदरा के पंचवट को प्रकाशित करता है, जो केन्द्रीय सरकार की 10-1-97 को प्राप्त हुआ था।

[संख्या एल-41012/81/92-आई आर (बीयू)/आई आर (बी-1)]

के.बी.बी. उन्नी, ईम्क अधिकारी

New Delhi, the 10th January 1997

S.O. 289.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Vadodara as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway, Vadodara and their workmen, which was received by the Central Government on 10-1-1997.

[No. L-41012/81/92-IR (DU)/IR (B-1)]

K. V. B. UNNI, Desk Officer

ANNEXURE

BEFORE SHRI A. B. MARATHE, INDUSTRIAL TRIBUNAL (CENTRAL) VADODARA

Reference (ITC) No. 2 of 1993

BETWEEN

Divisional Railway Manager,
Western Railway, Pratapnagar,
Vadodara and two others

..First Party

AND

Smt. Manjuben W/o Mohan Shankar,
C/o Honorary Secretary,
General Workmens' Union,
Railway Colony, G.L. Yard,
Quarter No. 328/A,
Nr. Railway Hospital, P.O. Godhra

..Second Party

Reference u/s 10(1)(d) of the Industrial Dispute Act, 1947
 Shri J. G. Chauhan learned advocate—for the First Party.
 Shri J. K. Ved—learned representative—for the Second Party.

AWARD

1. The second party Manjuben was employed as a part-time sweeper on the establishment of the First party's rest house at Sevalia Railway Station for a monthly remuneration of Rs. 40. She worked as such for about 12 to 13 years and on 20-12-89 she was relieved of her duties by an oral order as the railway authorities had decided to close down the rest house. Therefore, she served a notice dated 24-12-90 through the General Workmen's Union on the railway administration for her reinstatement in service; but of no avail. Therefore, conciliation proceedings were initiated; but the First Party took the stand that the concerned workman was employed purely as a casual labourer on part-time basis and, therefore, was not entitled to the protection of the Industrial Disputes Act, 1947. Therefore, the conciliation proceedings failed and the Ministry of Labour, Government of India by order No. L-41012/81/92-IR (DU) dated 26-8-93 referred the following issue for adjudication to this Tribunal :—

"Whether the action of the Divisional Railway Manager, Western Railway, Baroda in terminating the service of Smt. Manjuben M. Part-time Safaiwala w.e.f. 20-12-89 is justified? If not, what relief she is entitled to?"

2. The second party filed her statement of claim at Ex. 2 on 26-11-93 and contended that since she has completed 240 days of service she was entitled to temporary status in the service of the railway administration notwithstanding the fact that she was only a part-time employee and since the mandatory provisions of Section 25-F of the Act were not complied with before terminating her service, the said termination amounted to retrenchment u/s 25 F of the Act and, therefore, she was entitled to reinstatement in service with back wages and a further direction to the first party to accord temporary status to her in the service and the first party be further directed to pay her wages according to the provisions of the Minimum Wages Act.

3. The first party resisted the claim by filing written statement at Ex. 7 on 5-8-94. They admitted that the second party Manjuben was working as a part-time sweeper at Sevalia Railway Station to sweep the rest-house. There appears to be some difference as to the exact date when the said employment started. According to Manjuben she started work from 10-4-75 whereas according to the Railway Administration she started work from 23-4-77. But the fact is admitted that the employment came to an end by an oral order with effect from 30-12-89 though here also there is some discrepancy in the sense that in the Term of Reference the date is mentioned as 20-12-89 whereas in the written statement the date is mentioned as 30-12-89. The reason assigned by the railway administration is that her services were utilised only for one hour every day to clean the rest house and since it was found that the rest house was not being used by the retiring staff for whom it was meant, it was found to be an unnecessary expenditure and, therefore, the railway administration decided to close the rest house and that is how Manjuben's service was dispensed with. She being a part-time employee hired on purely casual basis, it was not necessary to maintain any seniority list, nor it was necessary to pass any written order terminating her service as the provisions of the Industrial Disputes Act were not attracted. They therefore, prayed for dismissal of the reference.

4. The second party has produced her documents at Ex. 11. They consist of a certificate about service of the second party for 15 years, notice served on the first party and lastly the conciliation papers. She also filed documents at Ex. 14 enclosing therewith two certificates showing that other two part-time sweepers, namely, Budhabhai Bhikhabhai Solanki and Anilkumar Babubhai Solanki were recruited by the railway administration after the termination of second party's service at Godhra which is near Sevalia railway station. According to the second party in doing so the railway administration has failed to comply with the provisions of Section 25-H of the Industrial Disputes Act.

5. The first party produced their documents at Ex. 10. The four documents enclosed therewith were subsequently exhibited as Ex. 19 to 22 as the other side had no objection. They consist of (i) Ex. 19 showing that a permanent post of Safaiwala was abolished at Sevalia in 1976 and a part-

time sweeper was decided to be recruited instead, (ii) Ex. 20 which is a letter dated 28-1-92 from the Sevalia railway station saying that Manjuben's service is terminated on closure of the rest house, (iii) Ex. 21 which is a copy of Ex. 19; and (iv) decision dated 6-1-92 to surrender the rest house as it was not being used and termination of service of Manjuben with effect from 30-12-89.

6. To prove her case Manjuben examined herself on oath at Ex. 12. To prove their case, in turn, the first party examined one Nishikant Ramchandra Kale who has been working as Permanent Way Inspector at Sevalia railway station at Ex. 18.

7. Shri J. K. Ved—the learned representative appearing for the second party has produced his written arguments at Ex. 20. I have heard the arguments of Shri J. C. Chauhan the learned advocate for the first party. Although the second party pleaded that status of temporary employee was accorded to her and that the first party be directed to pay wages to her according to the provisions of the Minimum Wages Act and though even the workman in her evidence has given evidence to the effect that actually she was working full time and thus was being exploited by the management, this Tribunal cannot adjudicate as to whether she is entitled to minimum wages etc., because that is beyond the terms of reference. Therefore, I am called upon to decide only a short question and, therefore, the following issues arise :—

- (i) Whether the action of the first party in terminating the service of the second party w.e.f. 30-12-89 amounts to retrenchment?
- (ii) If issue No. (i) is held in the affirmative, what relief should be given to the second party?

My findings on these issues are as under :—

- (i) Yes.
- (ii) Manjuben is entitled to reinstatement in service, but without back wages.

REASONS

Issue (i)

8. Section 25-F of the Act which is relevant reads as under :—

"Section 25-F. Conditions precedent to retrenchment of workmen :—

No workmen employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until;

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;
- (b) the workman has been paid, at the time of retrenchment compensation which shall be equivalent of fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months; and
- (c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette."

9. The term "workman" is defined in Section 2(s) of the Act as under :—

"2(s) 'workman' means any person (including an apprentices) employed in any industry to do any manual unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, where the terms of employment be expressed or implied and for the purposes of any proceeding under this Act in relation to an industrial dispute, include any such person who has been dismissed, discharged or retrenched in connection with, or as

a consequence of, that dispute or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—

- (i) who is subject to the Air Force Act, 1950, or the Army Act, 1950, or the Navy Act, 1957; or
- (ii) who is employed in the police service or as an officer or other employee of a prison, or
- (iii) who is employed mainly in a managerial or administrative capacity, or
- (iv) who, being employed in a supervisory capacity draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."

Thus, it is clear that if a person is employed as a casual labourer on a part-time basis, then he is not excluded from the definition of a workman. Even the Central Administrative Tribunal, Jodhpur in (1992) 21 Administrative Tribunal Cases 241 (Union of India V/s Ratankumar and another) held that a part-time employee is covered under the definition of workman appearing in Section 2(a) of the Act.

10. Section 2(oo) of the Act defines "retrenchment" as under :—

"Section 2(oo) "retrenchment" means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include—

- (a) voluntary retirement of the workman ; or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf ; or
- (bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein ; or
- (c) termination of the service of a workman on the ground of continued ill-health."

Therefore, unless the termination (falls in any one of the excepted categories the termination of a workman would amount to retrenchment. In the present case the story of the railway administration is that to effect economy they closed the rest house and the concerned workman being casual and part-time, it was not necessary to pass any written order giving reasons for her termination and following the procedure mentioned in Section 25-F of the Act. But such an approach cannot stand the test of judicial scrutiny once it is admitted that concerned workman completed service of more than one year and once it is also admitted that a part-time employee is not excluded from the definition of a workman. Therefore, it was the statutory duty of the first party to comply with the provisions of Section 25-F of the Act before terminating her service. This is especially so because in the evidence of Nishikant Kale, Permanent Way Inspector at Sevalia who is examined on behalf of the first party it nowhere appears that second party workman could not be offered work at any other place. On the contrary from the documentary evidence produced by the second party it is clear that even after the termination of the second party the railway administration has offered work to two part-time sweepers at Godha which is not far away from Sevalia. Therefore I hold issue No. (i) in the affirmative.

Issue (ii)

11. Therefore, it has to be considered what relief should be granted to the second party workman. If reinstated in service, the first party will have to consider what work to allot to her as the concerned rest house is already closed.

But it would not be difficult for the railway administration to offer her some other cleaning work. Therefore, reinstatement without back wages appears to be the correct remedy which would meet the ends of justice. Hence the order :—

ORDER

The second party work-women Manjuben W/o Mohan Shankar is ordered to be reinstated in the service of the first party railway administration at Sevalia railway station as a part-time sweeper on a monthly remuneration of Rs. 40 (Rupees Forty only) within one month from the publication of this award.

Dated : 30-12-1996

A. B. MARATHE, Industrial Tribunal

नई दिल्ली, 10 जनवरी, 1997

का.आ. 290 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपर को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-1-97 को प्राप्त हुआ था।

[संख्या एल-22012/76/90-आई आर (सी-II)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 10th January, 1997

S.O. 290 —In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of E.C. Ltd. and their workman, which was received by the Central Government on the 6-1-97.

[No. L-22012/76/90-IR C-(II)]

K. V. B. UNNI, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, ASANSOL.

Reference No. 35/90

PRESENT :

Shri R. S. Mishra, Presiding Officer

PARTIES :

Employers in relation to the management of Madhapur Colliery of M/s. E. C. Ltd.

AND

Their Workmen

APPEARANCES :

For the Employer.—Sri P. Banerjee, Advocate.

For the Workmen.—None.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 24th December, 1996

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(76)/90-IR(C-II) dated 7-8-90.

"Whether the action of the management of Madhaipur Colliery of M/s. Eastern Coalfields Ltd., P. O. Mutandanga Dist. Burdwan in refusing payment of wages as per NCWA to Shri Madhusudan Mandal, Draftsman, designated as Survey Mazdoor is justified? If not, to what relief is the concerned workman entitled?"

2. In spite of service of notice duly by Registered Post as reflected by the postal acknowledgement card the union does not appear. Apparently not interested.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 10 जनवरी, 1997

का०आ० 291:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई०सी०एल० के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-1-97 को प्राप्त हुआ था।

[संख्या एल-22012/295/91-आईआर (सी-II)]
के०बी० बी० उन्नी, डेस्क अधिकारी

New Delhi, the 10th January, 1997

S.O. 291.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of E.C. Ltd. and their workman, which was received by the Central Government on the 6-1-97.

[No. L-22012/295/91-IR (C-II)]
K. V. B. UNNI, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL, ASANSOL

Reference No. 22/92

PRESENT :

Shri R. S. Mishra, Presiding Officer

PARTIES :

Employers in relation to the management of Bonjemehari Colliery of M/s. E. C. Ltd.

AND

Their Workmen

APPEARANCES :

For the Employer.—Sri P. K. Das, Advocate.

For the Workmen.—None.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 5th December, 1996

202 GI/97—6

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/295/91-IR(C-II) dated 21-5-92.

"Whether the management of Eastern Coalfields Ltd., Sanctoria, P. O. Dishergarh, Distt. Burdwan (WB) having its O.C. Ps at Chitra and Bonjemehari in placing Shri Santanu Sarkar, Dozer/Shovel/Scraper Operator in Execv. Gr. C. w.e.f. 23-1-1982 as also not upgrading him in Execv. Gr. A from 1983 at par with similar other workmen was legal and justified? If not, to what relief the concerned workman was entitled and from what date?"

2. In spite of notice the union does not appear. Apparently not interested in the dispute.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 10 जनवरी, 1997

का०आ० 292:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई०सी०एल० के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-1-97 को प्राप्त हुआ था।

[संख्या एल-22012/44/95-आईआर (सी-II)]
के०बी० बी० उन्नी, डेस्क अधिकारी

New Delhi, the 10th January, 1997

S.O. 292.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of E. C. Ltd. and their workman, which was received by the Central Government on the 6-1-97.

[No. L-22012/44/95-IR (C-II)]
K. V. B. UNNI, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL, ASANSOL

Reference No. 44/95

PRESENT :

Shri R. S. Mishra, Presiding Officer

PARTIES :

Employers in relation to the management of Kalipahari (R) Colliery of M/s. E. C. Ltd.

AND

Their Workmen

APPEARANCES :

For the Employer.—None.

For the Workmen.—None.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 6th December, 1996

AWARD

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 6th December, 1996

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/44/95-IR(C-II) dated 29-8-95.

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/56/95-IR(C-II) dated 19-9-95.

"Whether the action of the management of Kalipahari (R) Colliery under Sricur Area of ECL in denying proper fitment in (technical & supervisory) grade 'C' (by not protecting group V-A wages & spl. piece rate allowance) to Sh. Motichand Gonda on his promotion from underground loader to Mining Sardar vide order No. GM/SA/C-6D/8 (KPIH) 91/4651 dated 7th February, 1991/23-12-91 and also denying him wages for the period 2-5-91 to 8-7-91 (by not allowing him to join at Damra Colliery vide transfer order No. GM/SA/C-6D/4/91/1594 dated 17/18-05-91) are legal and justified? If not to what relief the concerned workman is entitled to?"

"Whether the action of the management of J. K. Nagar (R) Colliery under Satgram Area of ECL in denying regularisation to Sh. Balmiki Dusat as trammer and regularising junior time rated workman Sh. Ranjeet Dusat in his place on the aforesaid post is legal and justified? If not, to what relief the workman concerned is entitled to?"

2. Registered notices issued twice were not received by the union and does not appear. Apparently not interested in the dispute.

2. As reflected by the postal acknowledgement card, registered notices duly served on the union, but does not appear. Apparently not interested.

3. Hence 'No Dispute Award' is passed.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

R. S. MISHRA, Presiding Officer

नई दिल्ली, 10 जनवरी, 1997

नई दिल्ली, 10 जनवरी, 1997

कांआ० 293 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई०सी०एल० के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-1-97 को प्राप्त हुआ था।

कांआ० औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई०सी०एल० के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-1-97 को प्राप्त हुआ था।

[संख्या एल-22012/56/95-आई आर (सी-II)]

[संख्या एल-22012/193/95-आई आर (सी-II)]

के० बी० बी० उन्नी, डेस्क अधिकारी

के० बी० बी० उन्नी, डेस्क अधिकारी

New Delhi, the 10th January, 1997

New Delhi, the 10th January, 1997

S.O. 293.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of E.C. Ltd. and their workman, which was received by the Central Government on the 6-1-97.

S.O. 294.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of E.C. Ltd. and their workman, which was received by the Central Government on the 6-1-97.

[No. L-22012/56/95-IR (C-II)]

[No. L-22012/193/95-IR (C-II)]

K. V. B. UNNI, Desk Officer

K. V. B. UNNI, Desk Officer

ANNEXURE

ANNEXURE

BEFORE THE CENTRAL GOVT INDUSTRIAL TRIBUNAL, ASANSOL

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 46/95

Reference No. 62/95

PRESENT :

PRESENT :

Shri R. S. Mishra, Presiding Officer

Shri R. S. Mishra, Presiding Officer

PARTIES :

PARTIES :

Employers in relation to the management of J. K. Nagar (R) Colliery of M/s. E. C. Ltd.

Employers in relation to the management of Central Kajora Colliery of M/s. E. C. Ltd.,

AND

AND

Their Workmen

Their Workmen

APPEARANCES :

APPEARANCES :

For the Employer—Sri P. K. Das, Advocate.

For the Employer—Sri P. Banerjee, Advocate.

For the Workmen.—None.

For the Workmen.—None.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 6th December, 1996

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(193)/95-IR(C-II) dated 20-10-95.

"Whether the demand of the union in placement of Sh. Kapildeo Ram, Pump Khalasi in Cat. IV with pay protection at Central Kajora Colliery under Kajora Area of M/s. Eastern Coalfields Limited is justified or not? If not, to what relief the workman is entitled?"

2. In spite of notice the union does not appear. Apparently not interested.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 10 जनवरी, 1997

क्र०आ० 295 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई०सी०एल० के प्रबंधकों के संबंध निर्यातकों और उनके कार्यकारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रस्तावित करती है, जो केन्द्रीय सरकार को 6-1-97 को प्राप्त हुआ था।

[संख्या एल-22012/74/91-आई आर (सी-II)]

के० बी० बी० उन्नो, ईस्क अधिकारी

New Delhi, the 10th January, 1997

S.O. 295.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of E. C. Ltd. and their workman, which was received by the Central Government on the 6-1-97.

[No. L-22012/74/91-IR (C-II)]

K. V. B. UNNI, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 36/91

PRESENT :

Shri R. S. Mishra, Presiding Officer

PARTIES :

Employers in relation to the management of Bonjemehari Colliery of M/s. E. C. Ltd.

AND

Their Workmen

APPEARANCES :

For the Employer.—None.

For the Workmen.—None.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 5th December, 1996

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/74/91-IR(C-II) dated 28-10-91.

"Whether the action of the management of M/s. E. C. Ltd., Sancieria, PO : Dishergarh, Dist. Burdwan, in denying the workers of Bonjemehari Colliery under their Salanpur Area the declared National Holiday on 14th November, 1989 on account of Birth Centenary of Late Pandit Jawaharlal Nehru was justified? If not, to what relief are entitled to?"

2. The union does not appear. Apparently not interested in the dispute any more.

3. Accordingly 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 10 जनवरी, 1997

क्र०आ० 296 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टैंडर्ड चार्टर्ड बैंक, मद्रास के प्रबंधकों के संबंध निर्यातकों और उनके कार्यकारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रस्तावित करती है, जो केन्द्रीय सरकार को को प्राप्त हुआ था।

[सं. एल-12012/201/93-आई आर (बी-आई)]

के० बी० बी० उन्नो, ईस्क अधिकारी

New Delhi, the 10th January, 1997

S.O. 296.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Standard Chartered Bank, Madras and their workman, which was received by the Central Government on the.....

[No. L-12012/201/93-IR(B-I)]

K. V. B. UNNI, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Monday, the 25th day of November, 1996

Industrial Dispute No. 99 of 1993

PRESENT :

Thiru S. Thangaraj, B.Sc., L.L.B., Industrial Tribunal.

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Standard Chartered Bank, Madras)

BETWEEN

Shri M. Kannappan,
80, Mundakaniamman Temple Street,
Mylapore, Madras-600004.

AND

The Chief Executive,
Standard Chartered Bank,
58, Armenian Street,
Madras-600001.

REFERENCE:

Order No. L-12012/201/93-IR.B.I, Ministry of Labour,
dated 5-10-93, Government of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Thiru S. Kumaraswamy, Authorised representative for the Workman and of Tvl. S. Ramasubramanian and Associates, Advocates appearing for the Management, upon perusing the reference, claim and counter statements and other connected papers on record, and the parties having filed a Memorandum of Settlement and recording the same, this Tribunal passed the following:

AWARD

This reference has been made for adjudication of the following issue:

"Whether the claim of Shri M. Kannappan, that he was employed by Standard Chartered Bank, Madras Branch, Madras, as Car Driver is correct? If so, whether the action of the management of Standard Chartered Bank, Madras Branch, Madras in terminating his services w.e.f. 4-7-92 is legal and justified? What relief, if any, Shri M. Kannappan is entitled to?"

Since Advocates for Petitioner and respondent present and the Industrial Dispute taken up at their request. Settlement recorded. Award passed in terms of Settlement. No costs. Dated, this 25th day of November, 1996.

S. THANGARAJ, Industrial Tribunal

COPY OF MEMORANDUM OF SETTLEMENT U/S. 18(1) OF THE I.D. ACT, 1947 DT. READ WITH RULE 25 OF TAMIL NADU INDUSTRIAL DISPUTE RULES, 1958

Name of the Parties: Standard Chartered Bank and Mr. M. Kannappan.

Representing the Bank,

Representing the individual: Mr. M. Kannappan.

Number and Broad Description

of Persons covered by the Settlement: One (Mr. M. Kannappan).

SHORT RECITAL OF CASE

Whereas, M. Kannappan alleging that his services were terminated by M/s. Standard Chartered Bank raised a dispute and the same was taken up on the file of the Industrial Tribunal, Madras as I.D. No. 99/93.

Whereas, the Management entered appearance in I.D. No. 99/93 and filed the Counter Statement submitting that Shri M. Kannappan was never an employee of this Bank.

And, whereas during the pendency of the said dispute both parties have held bilateral negotiations and arrived at a settlement, the terms of which are as follows:

- (a) Shri M. Kannappan agrees that no point of time was he an employee of the Standard Chartered Bank and there did not exist any Master and Servant Relationship between him and the Bank.
- (b) On humanitarian consideration, the Bank shall pay Rs. 90,000 to Mr. M. Kannappan as exgratia in full and final settlement of his claims against the Management whether monetary or otherwise including that of employment.
- (c) Mr. M. Kannappan shall issue a receipt for the said amount in full and final settlement.

(d) Mr. M. Kannappan has no claim whether monetary or otherwise against the Management including that of employment.

(e) The parties agrees to request the Hon'ble Industrial Tribunal to pass an award in terms of the Settlement.

IN WITNESS THEREOF THE PARTIES HAVE SET THEIR HANDS ON THIS THE 25TH DAY OF NOVEMBER, 1996.

For Standard Chartered Bank.

Sd./-

Authorised Signatory.
Representing the Bank.

Sd/-

M. Kannappan 25-11-96
Representing the individual.

WITNESSES:

1. Sd/- Illegible.

2. Sd/- R. Dharani.

Industrial Tribunal

नई दिल्ली, 10 जनवरी, 1997

का.आ. 297 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दक्षिण रेलवे के प्रबंधन के संबंध में निदेशों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-1-97 को प्राप्त हुआ था।

[सं. एल-41012/181/94-आईआर (बी-1)]
के.वी.वी. उन्नी, डेस्क अधिकारी

New Delhi, the 10th January, 1997

S.O. 297.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Southern Railway and their workman, which was received by the Central Government on 7-1-1997.

[No. L-41012/181/94-IR (B-I)]

K. V. B. UNNI, Desk Officer.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMILNADU
MADRAS

Friday, the 19th day of November, 1996

PRESENT:

Thiru S. Thangaraj, B.Sc., L.L.B., Industrial Tribunal.

Industrial Dispute No. 44 of 1996

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Southern Railway, Madras)

BETWEEN

Shri K. Bhaskaran,
S/o. Kandasamy,
No. 44, Male Chetty Street,
Villupuram-605602
South Arcot Dt.

AND

The D. R. M.,
Southern Railway,
Trichirapalli Division,
Trichirapalli-620001.

REFERENCE :

Order No. L-41012/181/94-IR (B-I), Ministry of Labour,
dated 4-6-96, Government of India, New Delhi

This dispute coming on this day for final disposal in the presence of Thiru M. T. Arunan, Railway Advocate appearing for the Management, upon perusing the reference and other connected papers on record, and the Petitioner-worker is reported dead and no action has been taken to substitute legal heirs to the deceased petitioner-worker, this Tribunal passed the following :

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the Management of Southern Railway in removing Shri K. Bhaskaran from services is legal and justified ? If not, to what relief is he entitled ?"

The notice sent to the individual worker is returned with an endorsement that he is dead. Sufficient opportunity has been given to take further steps to implead the LR's of the deceased if any and to prosecute the I. D. Till date no action has been taken on the side of the petitioner (through legal heirs). Hence I. D. dismissed for default.

Dated, this the 15th day of November, 1996

S. THANGARAJ, Industrial Tribunal

नई दिल्ली, 15 जनवरी, 1997

का.आ. 298 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-1-97 को प्राप्त हुआ था ।

[सं. एल-40012/25/92-आई आर (डीयू)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 15th January, 1997

S.O. 298.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Supdt. of Post Office and their workman, which was received by the Central Government on 15th January, 1997.

[No. L-40012/25/92-IR (DU)]

K. V. B. UNNI, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMILNADU
MADRAS

Monday, the 18th day of November, 1996

PRESENT :

Thiru S. Thangaraj, B.Sc., I.L.B., Industrial Tribunal,
Industrial Dispute No. 10 of 1993

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Superintendent of Post Offices, Manamadurai).

BETWEEN

Shri N. Balasubramanian,

Marakathur P.O. Kalaoyarkoil-632551.

Thevar Thirumagan D.

AND

The Superintendent of Post Offices,
Manamadurai Division,
Manamadurai-623606.

REFERENCE :

Order No. L-40012/25/92-IR (DU), Ministry of Labour,
dated 18-1-93, Government of India, New Delhi.

This dispute coming on for final hearing on Thursday, the 26th day of September, 1996 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru R. Arumugam, for Tvl. Aiyar and Dolia, and B. Haribabu, Advocate appearing for the workman and of Thiru F. K. Rajeswaran, Addl. Standing Government counsel, appearing for the management, and this dispute having stood over till this day for consideration, this Tribunal made the following

AWARD

The Government of India, vide their Order No. L-40012/25/92-IR (DU), Ministry of Labour, dated 18-1-93, have referred this dispute to this Tribunal for adjudication of the following issue :

"Whether the action of the Superintendent of Post Offices in terminating the services of Shri N. Balasubramanian is justified ? If not, what relief he is entitled to ?"

On receipt of notices, both petitioner and respondent appeared before this Tribunal and filed their claim and counter statement respectively.

2. The main averments found in the claim statement are as follows :

The petitioner was appointed as Extra Departmental Post Master in Marakkathur branch Post Office on provisional basis w.e.f. 1-9-1989. The petitioner was appointed in the place of one Sri Malarvasagam till the final disposal of the disciplinary proceeding pending against him and till he exhausts all channels of departmental and judicial appeals and petition etc. In spite of it, the Superintendent of Post Offices Manamadurai has terminated the services of the petitioner w.e.f. 18-12-90. The order of termination has been passed in contravention of Art. 311(2) of the Constitution of India. The Superintendent of Post Offices, Manamadurai ought not to have replaced one provisional appointment by another provisional appointment. The conviction of the petitioner in C.C. No. 57/90 on the file of the judicial Magistrate, Sivaganga was not concerned with an offence committed by the petitioner in connection with the services in the Postal department. The Learned Magistrate has imposed a fine of Rs. 7 on the petitioner in May 1990. The petitioner did not suppress any facts at the time of his appointment. The appointment of Mr. Balakrishnan on provisional basis by terminating the services of the petitioner is contrary to law and unconstitutional. The petitioner has worked for more than 240 days continuously within one year. The provisions of Industrial Disputes Act, 1947 has not been followed before the termination order was passed. Therefore, the termination order dated 18-12-90 may be set aside and the petitioner be reinstated with continuity of service and back wages and other benefits.

3. The main averments found in the counter filed by the respondent are as follows :

The appointment has been made purely on temporary basis and the petitioner has understood the said appointment. As per order of appointment, the authority reserves his right to terminate the provisional appointment at any time before period mentioned therein. Provisional appointments are being made from and out of the candidates sent by the Employment Exchange. Due to the fraud committed in Marakkatur branch office, the appointment of the petitioner had to be effected provisionally. On receipt of the panel of 11 candidates from the employment exchange, one Sri Balakrishnan was selected for the post, and he was provisionally appointed. Branch Post Master, Marakkatur has obtained a stay from the Administrative Tribunal, Madras. It was brought to the knowledge of the respondent, that a criminal case was pending against the petitioner in C.C. No. 57/90 on the file of the Judicial Magistrate, Sivaganga and on 31-8-1990, the judicial magistrate had imposed a fine of Rs. 75. The petitioner has also paid the fine. Therefore, he is not eligible for his employment as Extra Departmental Agent. The respondent has every right to terminate the provisional appointment without assigning any reason. The petitioner has got the provisional appointment by suppressing the fact of involvement in the criminal case. For all these reasons, award may be passed dismissing the claim of the petitioner.

4. No witness was examined on both sides. The petitioner has not filed any document on his side. Though the respondent has filed certain documents the same have not been marked.

5. The only point for our consideration is :

"Whether the action of the Supdt. of Post Offices, in terminating the services of Shri N. Balasubramanian is justified. If not, what relief he is entitled to?"

6. The Point.—One Sri Malarvasagam was the Extra Departmental Branch Post Master in Marakkatur Branch Post Office within the jurisdiction of Superintendent of Post Offices, Manamadurai division. For certain misconducts disciplinary proceedings were instituted against the said Malarvasagam. The petitioner was appointed as Extra Departmental Branch Post Master Marakkatur Branch Post Office on provisional basis w.e.f. 1-9-1989 by an order dated 5-10-89. It was stated in the appointed order that the provisional appointment was tenable till the disciplinary proceedings against Shri Malarvasagam is finally disposed off and he exhausts all channels of judicial and departmental appeal, petitions etc. and in case it was decided not to take Malarvasagam back into service, till a regular appointment was made. However, the services of the petitioner was terminated by an order dated 18-12-90, by Superintendent of Post Offices, Manamadurai and one Balakrishnan was appointed on provisional basis in the said vacancy. The petitioner Balasubramanian has raised this dispute challenging the order passed by the respondent terminating the provisional appointment.

7. The main contention of the petitioner was that the appointment was made till the disciplinary proceedings against Shri Malarvasagam was finally disposed off, or if Malarvasagam was not successful, till the regular appointment was made. However, even during the pendency of the proceedings against Malarvasagam, services of the petitioner was terminated by the respondent. The respondent has assigned three reasons for the termination of the services of the petitioner. In the appointment order, there is a clause for terminating the provisional appointment before the period prescribed without notice and without assigning any reason. The appointment order of the petitioner is produced by the respondent. The said appointment order dated 5-10-89 is filed in this Tribunal. The respondent has received the said order on 14-10-89 and made an endorsement to that effect. Clause (4) of the said appointment reads :

"The appointing authority reserves the right to terminate the provisional appointment any time before the period mentioned in para 2 without notice and without assigning any reason."

Though the appointment was made in the vacancy of Thiru Malarvasagam on the afore-said conditions, the respondent has reserved the right to terminate the provisional appointment without any notice and without assigning any reason. The petitioner has admitted the said condition and thereafter joined the service of the respondent. However, the further particulars shown by the respondent reveals that the provisional appointment was not terminated without assigning any reason.

8. The petitioner earlier worked in the Cooperative Stores and during that period he was charged for misappropriation of funds belonging to the Cooperative Stores. A Criminal case in C.C. No. 57/90 was pending against him even at the time of his appointment as Extra Departmental Branch Post Master in Marakkatur Branch Post Office. The Learned Judicial Magistrate who decided the case found the petitioner guilty of misappropriation and convicted and sentenced him to pay fine of Rs. 75. The petitioner has paid the fine. So it is clear that the petitioner was convicted by a competent Criminal Court for the offence of misappropriation. The appointment of Malarvasagam was terminated for the very same reason and when the respondent department came to know that the petitioner was also convicted by a Criminal Court, for misappropriation the respondent thought fit to terminate the services of the petitioner.

9. Malarvasagam filed a case before the Administrative Tribunal, Madras Bench in O.A. 78/90 against the respondent and one Balakrishnan who was provisionally appointed in the place of petitioner herein and obtained a stay. The Tribunal in the last para of the Order passed on 17-7-90 has referred to a case in C.C. No. 57/90 pending against the petitioner herein and further held that the respondent Superintendent of Post Offices, Manamadurai Division can investigate into the existence of the said case and to take further action as he deems fit. Accordingly, the respondent has terminated the provisional appointment of petitioner on conviction for offence of misappropriation by a competent Court of Law. The respondent is also empowered to terminate the provisional appointment as per the clause of the appointment order.

10. One Sri Balakrishnan, was provisionally appointed as Extra Departmental Branch Post Master in Marakkatur Branch Post Office. The respondent has explained it by saying that generally such appointments as Extra Departmental Post Masters are being made only by calling a panel of suitable candidates from the employment exchange. But in the case of the petitioner, the same was not followed because of the various frauds alleged to have been committed in the Post Office by then incumbent. Now, as per rules, a panel of candidates have been called for from the employment exchange and among them one Shri Balakrishnan, the eligible candidate was provisionally appointed as Extra Departmental Branch Post Master, Marakkatur Branch Post Office. The appointment of the said Balakrishnan, cannot be said to be illegal since he has been appointed after following the procedure. The termination of the petitioner based on valid reason, and therefore, the contention of the petitioner cannot be accepted.

11. It was alleged on the side of the petitioner that within a period of one year he has worked for more than 240 days and before terminating his service, the provisions of I. D. Act, 1947 have not been complied with. The petitioner was appointed on provisional basis on some terms and conditions. The management has retained its power to terminate the provisional appointment at any time without notice or without assigning any reason. While considering the nature of appointment it cannot be said that the provisions of the Act are applicable to the case of the petitioner. The termination was effected on valid grounds. The services of the petitioner was terminated for the reason of his conviction by a competent Court of law. Therefore, the petitioner who was having a provisional appointment cannot invoke the provisions of I. D. Act, 1947 and at the same time he cannot plead that his termination was against the provisions of Article 311(2) of the Constitution of India.

From the foregoing reasons as the termination of the service of the petitioner is provisional Extra Departmental

Branch Post Master was on valid grounds, he is not entitled for the claim made by him.

In the result, award is passed dismissing the claim of the petitioner. No costs.

Dated, this the 18th day of November, 1996.

S. THANGARAJ, Industrial Tribunal

WITNESSES EXAMINED

For both sides :

NIL

DOCUMENTS MARKED

For both sides :

NIL

नई दिल्ली, 15 जनवरी, 1997

का.आ. 299.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एम.डी.ओ., टेलिकोम, राजमपेट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिनियम, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-1-97 को प्राप्त हुआ था।

[सं. एन-10012/216/93-आईआर (डीयू)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 15th January, 1997

S.O. 299.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom, Rajampet and their workman which was received by the Central Government on 15-1-97.

[No. L-40012/216/93-IR(DU)]

K. V. B. UNNI, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I

Dated, 16th day of December, 1996

Industrial Dispute No. 31 of 1995

BETWEEN

Sri C. Subbaiah, S/o. C. Subbaramaiah,

Kothapalli (Vil) Obanapalli (Post),

Kodur (Tq) Cuddapah District,

— Petitioner

AND

The Sub-Divisional Officer, Telecom,
Rajampet, Cuddapah Dist.

— Respondent.

APPEARANCES :

Sri J. V. Lakshmana Rao and R. Yogender Singh, Advocates—for the Petitioner.

Sri P. Damodar Reddy, Advocate—for Respondent.

AWARD

The Government of India, Ministry of Labour, New Delhi made a reference to this Tribunal by its Order No. L-40012/216/93-IR (DU) dt. 17-1-1995 under Section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947 for adjudication of the industrial dispute mentioned in its schedule which reads as follows :—

"Whether the Sub-Divisional Office, Telecom, Rajampet is justified in terminating the services of Sri C. Subbaiah w.e.f. 1-2-90. If not, what relief is he entitled to?"

After receipt of the above reference, this Tribunal issued notice to both the parties and both parties have put in their appearance and filed a claim statement and a counter.

2. The workman filed a claim statement contending as follows : The Petitioner was appointed as casual mazdoor under the Respondent and he worked as such from September, 1984 to 1986 as per the number of days given below :—

Sent. 1984 to December, 1984	108 days
January, 1989 to December, 1989	296 days
January, 1990 to February, 1990	99 days

He was disengaged for want of work. But subsequently he was again re-engaged in service from 1988 till he was finally dis-engaged from service w.e.f. 1st March, 1990. The service particulars from 1988 are furnished below :—

August, 1988 to December, 1988	130 days
January, 1989 to Decembtr, 1989	296 days
January, 1990 to February, 1990	59 days

Thus he has completed total service of 735 days. He was retrenched without following Chapter V-A of the I.D. Act. The Petitioner having completed more than 240 days service as casual mazdoor he is not only entitled to be taken back to service but also want of temporary status as per the Departmental Rules. The Respondent may be directed to reinstate the petitioner into service with back wages and other benefits.

3. The Respondent filed a counter contending as follows :—

The Petitioner is not a workman. The petitioner workman was taken up on muster rolls from September, 1984 onwards and he worked as under :—

1. 1984	108 days
2. 1985	119 days
3. 1986	23 days

that thereafter the Petitioner workman absconded from duty from February 1986 onwards. But subsequently the petitioner worked from August 1988 onwards till December 1988 in all for 130 days and again absconded. The allegation that he worked for 735 days is not correct. The petitioner is not entitled to any relief.

4. During the pendency of the dispute, the Respondent filed I.A. No. 144 of 1996 to decide whether the Respondent is not an industry and dispute is not maintainable in view of the decision of the Supreme Court in 1995 F.L.R. page 690. The petitioner filed a counter contending that in reference under Section 10 of the I.D. Act, maintainability of reference should not be questioned especially by public sector corporation on mere technical grounds such as there is no industry or industrial dispute or the employee concerned is not a workman.

5. The petitioner workman C. Subbaiah is examined as WW1 and marked Exs W1 to W3. No oral or documentary evidence has been adduced by the Respondent.

6. The point for consideration is whether the petitioner is entitled to any relief?

8. Point.—The Supreme Court in Sub-Divisional Inspector of Post, Vaikam v. Theyyam Joseph Viakam (1996 F.L.R. Page 690) held as follows :—

“Having regard to the contentions, the question arises whether the appellant is an industry? India as a sovereign socialist, secular democratic republic has to establish an egalitarian social order under rule of law. The welfare measures partake the character of sovereign functions and the traditional duty to maintain law and order is no longer the concept of the State. Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity, and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry.”

When once the Respondent is not an industry, the Petitioner cannot be a workman within the meaning of the I.D. Act and so the reference itself is bad in law. This Tribunal has no jurisdiction to entertain this dispute.

9. In the result, an Award is passed holding that the dispute itself is not maintainable by this Tribunal and this Tribunal has no jurisdiction to entertain the same.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 16th day of December, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I

Appendix of evidence :

Witnesses examined for the Petitioner :

W.W.1—C. Subbalah.

Witness examined for the Respondent :

NIL.

Documents marked for the Petitioner

Ex. W1 Mazdoor Card of W.W.1 containing working days particulars.

Ex. W2 Working days Book.

Ex. W2(a) Entry in Ex. W2, W2(b) entry in Ex. W2.

Ex. W3 Portion of M.O. containing the signature of SDO Telecom, Rajampet.

नई दिल्ली, 15 जनवरी, 1997

का.आ. 300.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार एस.डी.ओ., टेलिकोम, हनुमकोंटा के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अन्वय में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-1-97 को प्राप्त हुआ था।

[सं. एल-40012/121/95-आईआर (डीयू)]

के.वी.बी. उन्नी, डैस्क अधिकारी

New Delhi, the 15th January, 1997

S.O. 300.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal,

Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.D.O., Telecom, Hanumkonda and their workman, which was received by the Central Government on 15th January, 1997.

[No. L-40012/121/95-IR(DU)]

K. V. B. UNNI, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I
Dated, 29th day of November, 1996
Industrial Dispute No. 74 of 1996

BETWEEN :

Shri Md. Sarwar S/o. Md. Murtuza Khan,
C/o. Sri MA Raheem Khan No. 9-8-63,
Chota Bazar, Kummawadi, Golkonda,
Hyderabad-500 008.

Petitioner.

AND

The S.D.O. (Phones) Hanumakonda,
Warangal District PIN-506 001.

Respondent

APPEARANCES :

Sri C. Suryanarayana, Advocate—for the Petitioner.
Sri P. Damodar Reddy, Advocate—for the Respondent.

AWARD

The Govt. of India, Ministry of Labour, New Delhi by its Order No. L-40012/121/95-IR(DU) dt. 30-5-1996 referred to this Tribunal under Section 10(1)(d) & 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :—

“Whether the action of the management of Sub-Divisional Officer (Phones) Telecom Hanumakonda is justified in terminating the services of Shri Md. Sarwar? If not, to what relief the workman is entitled to?”

The said reference has been taken on file and a notice has been issued to both the parties.

2. Both parties appeared before this Tribunal and filed their respective claims Statement and counter on 14-8-1996 and 14-11-1996.

3. The Supreme Court in Sub-Divisional Inspector of Post Vaikam v. Theyyam Joseph (1996 F.L.R. Page 690) held as follows :—

Having regard to the contentions, the question arises whether the appellant is an industry? India as a sovereign socialist, secular democratic republic has to establish an egalitarian social order under rule of law. The welfare measures partake the character of sovereign functions and the traditional duty to maintain law and order is no longer the concept of the State. Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity, and so is one essential part of the sovereign functions of the State as a Welfare State. It is not, therefore, an industry.”

When once the Respondent is not an industry, the Petitioner cannot be a workman within the meaning of the I.D. Act and so the reference itself is bad in law. This Tribunal has no jurisdiction to entertain this dispute.

4. The learned counsel for the petitioner-workman relied upon the stay orders granted by our High Court in W.P. No. 11349/95 and Appellant Order in the Writ Appeal No. 1025/96. The Divisional Bench of our High Court held that

the above decision of the Supreme Court has to be considered in the light of larger bench pronouncement. Our High Court has not yet distinguished the decision cited by the Respondent or said it is not binding upon this Tribunal. Till then the said decision is binding upon this Tribunal.

5. In the result, an Award is passed holding that the dispute itself is not maintainable in this Tribunal and this Tribunal has no jurisdiction to entertain the same.

Typed to my dictation, corrected by me and given under my hand and the seal of this Tribunal this the 29th day of November, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I
APPENDIX OF EVIDENCE

No oral or documentary evidence is adduced by both the parties.

नई दिल्ली, 15 जनवरी, 1997

का.सा. 301.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.डी.ओ., टेलिकॉम, धर्मवaram के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार की 15-1-97 को प्राप्त हुआ था।

[सं. एल-40012/34/94-आई आर (डीयू)]
के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 15th January, 1997

S.O. 301.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SDO, Telecom, Dharmavaram and their workman, which was received by the Central Government on the 15-1-1997.

[No. L-40012/34/94-IR (DU)]
K.V.B. UNNI, Desk Officer

ANNEXURE
BEFORE THE INDUSTRIAL TRIBUNAL-I
AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B.,
Industrial Tribunal-I.

Dated : 16th day of December, 1996.

INDUSTRIAL DISPUTE NO. 69 OF 1995
BETWEEN

Sri J. Venkataramana S/o J. Ramanjaneyulu,
Dhodithota, Tadimarri, Ananthapur Dist.

.. Petitioner

AND

The Sub-Divisional Officer,

Telecom, Dharmavaram 515 672

.. Respondent

APPEARANCES :

Sri Suryanarayana, Advocate for the Petitioner.

Sri P. Damodar Reddy, Advocate for Respondent.

AWARD

The Government of India, Ministry of Labour, New Delhi made a reference to this Tribunal by its Order No. L-40012/34/94-IR(DU) dated 4-8-1995 under Section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947 for adjudication of the Industrial Dispute mentioned in its schedule which reads as follows :—

“Whether the action of the management of SDO, Telecom, Dharmavaram is justified in terminating the services of Sri J. Venkataramana, Ex. Casual Mazdoor with effect from 1-5-1993 is justified? If not, what relief he is entitled?”

After receipt of the above reference, this Tribunal issued notice to both the parties and both parties have put in their appearance and filed claim statement and a counter.

2. The workman filed a Claims Statement contending as follows:—The Petitioner was appointed as casual mazdoor under Syed Khader Moinuddin, Line Inspector, Telecom, Dharmavaram and he worked as such for 376 days from 15th April, 1992 to 1-5-1993. He was retrenched without following Chapter VA of the I.D. Act. Even a badli worker is entitled for retrenchment compensation. There are Departmental orders also to absorb employees like the petitioner. The Respondent may be directed to reinstate the petitioner into service with back wages and other benefit.

3. The Respondent filed a counter contending as follows:—The Petitioner is not a workman. The petitioner undertook the contract work. He executed the contract work in 161 days as stated below :

MONTH	NO. OF DAYS
April, 1992	12 days
May, 1992	31 days
June, 1992	21 days
August, 1992	31 days
September, 1992	30 days
April, 1990	30 days.

The allegation that he worked for 376 days is not correct. The petitioner is not entitled to any relief.

4. During the pendency of the dispute, the Respondent filed I.A. No. 139 of 1996 to decide whether the Respondent is not an industry and dispute is not maintainable in view of the decision of the Supreme Court in 1996 F.L.R. Page 690. The Petitioner filed a lengthy counter citing so many decisions and contending that the above decision of the Supreme Court is not binding upon this Tribunal.

5. Both the parties did not lead any evidence.

6. The point for consideration is whether the Petitioner is entitled to any relief?

7. POINT : The Supreme Court in Sub-Divisional Inspector Post Vaikam Vs. Thyam Joseph (1996 F.L.R. Page 690) held as follows:—

“Having regard to the contentions, the question arises whether the appellant is an industry? India as a sovereign socialist, secular democratic republic has to establish an egalitarian social order under rule of law. The welfare measures partake the character of sovereign functions and the traditional duty to maintain law and order is no longer the concept of the State. Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunications service to the general public and an amenity, and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore an industry.”

When once the Respondent is not an industry, the Petitioner cannot be a workman within the meaning of the I.D. Act and so the reference itself is bad in law. This Tribunal has no jurisdiction to entertain this dispute.

8. The learned counsel for the petitioner workman relied upon the stay orders granted by our High Court in W.P. No. 11349/95 and Appellate Order in the Writ Appeal No. 1025/96, wherein the Division Bench of our High Court held that the above decision of the Supreme Court has to be considered in the light of larger bench pronouncements. Our High Court has not yet distinguished the above decision cited by the Respondent or said it is not binding upon this Tribunal. Till then the said decision is binding upon this Tribunal.

9. In the result, an Award is passed holding that the dispute itself is not maintainable in this Tribunal and this Tribunal has no jurisdiction to entertain the same.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 16th day of December, 1996.

V. V. RAGHAVAN, Industrial Tribunal

APPENDIX OF EVIDENCE

NIL

नई दिल्ली, 15 जनवरी, 1997

का. आ. 302:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.डी.ओ., टेलिकोम के प्रबन्धन के संबद्ध नियोजकों और उनका कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-1-97 को प्राप्त हुआ था।

[सं. एन 40012/35/94-आई० आर० (डी०यू०)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 15th January, 1997

S.O. 302.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SDO. Telecom, Dharmavaram and their workman, which was received by the Central Government on the 15th January, 1997.

[No. L-40012/35/94-IR (DU)]

K.V.B. UNNI, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I
AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B.,

Industrial Tribunal-I.

Dated : 16th day of December, 1996.

INDUSTRIAL DISPUTE NO. 68 OF 1995

BETWEEN

Sri Y. Bhaskara S/o Ghoudappa,

Chanchagaripalla Helmet,

Kondagettupalli, Kutagulla (via)

515541 Ananthapur Dist. —Petitioner

AND

The Sub-Divisional Officer,
Telecom, Dharmavaram-515 541.

... Respondent

APPEARANCES :

Sri C. Suryanarayana, Advocate for the Petitioner.

Sri P. Damodar Reddy, Advocate for Respondent.

AWARD

The Government of India, Ministry of Labour, New Delhi made a reference in this Tribunal by its Order No. L-40012/35/94-IP(DU) dated 4-8-1993 under Section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947 for adjudication of the Industrial Dispute mentioned in its schedule which reads as follows :—

“Whether the management of Sub-Divisional Officer, Telecom Dharmavaram is justified in terminating the services of Shri Y. Bhaskar, Ex. casual mazdoor with effect from 1-5-93 is justified? If not, what relief the workman is entitled to?”

After receipt of the above reference, this Tribunal issued notice to both the parties and both parties have put in their appearance and filed claim statement and a counter.

2. The workman filed a Claim Statement contending as follows—The Petitioner was appointed as casual mazdoor under Syed Khader Moinuddin, Line Inspector, Telecom, Dharmavaram and he worked as such for 423 days from 1-3-92 to 30-4-1993. He was retrenched without following Chapter V-A of the I.D. Act. Even a badli worker is entitled for retrenchment compensation. There are departmental orders also to absorb employees like the Petitioner. The Respondent may be directed to reinstate the petitioner into service with back wages and other benefits.

3. The Respondent filed a counter contending as follows:—The Petitioner is not a workman. The petitioner undertook the contract work. He executed the contract work in 158 days as stated below :—

Month	No. of days
April, 1992	30 days
May, 1992	31 days
June, 1992	27 days
July, 1992	30 days
March, 1993	25 days
April, 1993	15 days

The allegation, that he worked for 423 days is not correct. The petitioner is not entitled to any relief.

4 During the pendency of the dispute, the Respondent filed I.A. No. 138 of 1996 to decide whether the Respondent is not an industry and the dispute is not maintainable in view of the decision of the Supreme Court in 1996 F.L.R. Page 690. The petitioner filed a lengthy counter citing so many decisions in support of his contention that the above decision of the Supreme Court is not binding upon this Tribunal.

5 The Respondent filed I.A. No. 96 of 1996 to hold that the dispute is not maintainable as it is barred by res judicata on the ground that the Petitioner got a relief already from the Central Administrative Tribunal. The Respondent did not file any counter.

6. Ex. M1 document is marked. Ex. M1 reads that the Central Administrative Tribunal passed an order on 9-2-1996 directing the Respondent to re-engage the petitioner as and when there is work in preference to the freshers who are not sponsored by the Employment Exchange.

7. The point for consideration is whether the Petitioner is entitled to any relief?

8. POINT.—The Supreme Court in Sub-Divisional Inspector of Post Vaikam v. Theyyam Joseph (1996 F.L.R. Page 690) held as follows :—

“Having regard to the contentions, the question arises whether the appellant is an industry? India as a sovereign socialist, secular democratic republic has to establish an egalitarian social order under rule of law. The welfare measures partake the character of sovereign functions and the traditional duty to maintain law and order is no longer the concept of the State. Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunications service to the general public and an amenity, and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry.”

When once the Respondent is not an industry, the Petitioner cannot be a workman within the meaning of the I.D. Act and so the reference itself is bad in law. This Tribunal has no jurisdiction to entertain this dispute.

9. The learned counsel for the Petitioner-workman relied upon the stay orders granted by our

High Court in W.P. No. 11349/95 and Appellate Order in the Writ Appeal No. 1025/96, the Divisional Bench of our High Court held that the above decision of the Supreme Court has to be considered in the light of larger bench pronouncement. Our High Court has not yet distinguished the decision cited by the Respondent or said it is not binding upon this Tribunal. Till then the said decision is binding upon this Tribunal.

10. In the result, an Award is passed holding that the dispute itself is not maintainable, in this Tribunal and this Tribunal has no jurisdiction to entertain the same.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 16th day of December, 1996.

V. V. RAGHAVAN, Industrial Tribunal

Appendix of evidence.

Witnesses examined for the Petitioner.

NIL

Documents marked for the Petitioner.

NIL

Documents marked for the Respondent.

Ex. M1 : 9-2-96 Xerox copy of Order—
OA No. 165/95 of the Central Administrative Tribunal, Hyderabad Bench.

नई दिल्ली, 15 जनवरी, 1997

का. भा. 303:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार औद्योगिक विवादों के प्रवर्धन के संवद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-1-97 को प्राप्त हुआ था।

[No. L-14012/11/90-IR(DU)
No. L-14012/36/90-IR(DU)
No. L-14012/54/90-IR(DU)
No. L-14012/40/90-IR(DU)
No. L-14012/50/90-IR(DU)
No. L-14012/29/90-IR(DU)
No. L-14012/21/90-IR(DU)
No. L-14012/22/90-IR(DU)
No. L-14012/85/90-IR(DU)
No. L-14012/84/90-IR(DU)
No. L-14012/53/90-IR(DU)
No. L-14012/44/90-IR(DU)
No. L-14012/47/90-IR(DU)

No. L-14012/75/90-IR(DU)
No. L-14012/28/90-IR(DU)
No. L-14012/38/90-IR(DU)
No. L-14012/74/90-IR(DU)
No. L-14012/63/90-IR(DU)
No. L-14012/70/90-IR(DU)
No. L-14012/80/90-IR(DU)
No. L-14012/65/90-IR(DU)
No. L-14012/79/90-IR(DU)
No. L-14012/57/90-IR(DU)
No. L-14012/56/90-IR(DU)
No. L-14012/52/90-IR(DU)
No. L-14012/62/90-IR(DU)
No. L-14012/59/90-IR(DU)
No. L-14012/51/90-IR(DU)
No. L-14012/25/90-IR(DU)
No. L-14012/36/90-IR(DU)
No. L-14012/67/90-IR(DU)
No. L-14012/48/90-IR(DU)
No. L-14012/58/90-IR(DU)
No. L-14012/83/90-IR(DU)
No. L-14012/29/90-IR(DU)
No. L-14012/72/90-IR(DU)
No. L-14012/49/90-IR(DU)
No. L-14012/33/90-IR(DU)
No. L-14012/76/90-IR(DU)
No. L-14012/71/90-IR(DU)
No. L-14012/45/90-IR(DU)
No. L-14012/86/90-IR(DU)
No. L-14012/27/90-IR(DU)
No. L-14012/64/90-IR(DU)
No. L-14012/39/90-IR(DU)
No. L-14012/26/90-IR(DU)
No. L-14012/10/90-IR(DU)
No. L-14012/81/90-IR(DU)
No. L-14012/55/90-IR(DU)
No. L-14012/32/90-IR(DU)
No. L-14012/43/90-IR(DU)
No. L-14012/61/90-IR(DU)
No. L-14012/73/90-IR(DU)
No. L-14012/78/90-IR(DU)
No. L-14012/82/90-IR(DU)
No. L-14012/19/90-IR(DU)
No. L-14012/31/90-IR(DU)
No. L-14012/37/90-IR(DU)
No. L-14012/69/90-IR(DU)
No. L-14012/55/90-IR(DU)
No. L-14012/92/90-IR(DU)
No. L-14012/46/90-IR(DU)
No. L-14012/60/90-IR(DU)
No. L-14012/30/90-IR(DU)
No. L-14012/66/90-IR(DU)
No. L-14012/34/90-IR(DU)
No. L-14012/68/90-IR(DU)
No. L-14012/77/90-IR(DU)
No. L-14012/23/90-IR(DU)]

के. बी. .बी. उस्ती, हेड ऑफ अधिकारी

New Delhi, the 15th January, 1997

S.O. 303.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Ordnance Depot Madras and their workmen, which was received by the Central Government on the 15-1-97.

[No. L-14012/11/90-IR (DU)
No. L-14012/36/90-IR (DU)
No. L-14012/54/90-IR (DU)
No. L-14012/40/90-IR (DU)
No. L-14012/50/90-IR (DU)
No. L-14012/29/90-IR (DU)
No. L-14012/21/90-IR (DU)
No. L-14012/22/90-IR (DU)
No. L-14012/85/90-IR (DU)
No. L-14012/84/90-IR (DU)
No. L-14012/53/90-IR (DU)
No. L-14012/44/90-IR (DU)
No. L-14012/47/90-IR (DU)
No. L-14012/75/90-IR (DU)
No. L-14012/28/90-IR (DU)
No. L-14012/38/90-IR (DU)
No. L-14012/74/90-IR (DU)
No. L-14012/63/90-IR (DU)
No. L-14012/70/90-IR (DU)
No. L-14012/80/90-IR (DU)
No. L-14012/65/90-IR (DU)
No. L-14012/79/90-IR (DU)
No. L-14012/57/90-IR (DU)
No. L-14012/56/90-IR (DU)
No. L-14012/52/90-IR (DU)
No. L-14012/62/90-IR (DU)
No. L-14012/59/90-IR (DU)
No. L-14012/51/90-IR (DU)
No. L-14012/25/90-IR (DU)]

No. L-14012/36/90-IR (DU)
No. L-14012/67/90-IR (DU)
No. L-14012/48/90-IR (DU)
No. L-14012/58/90-IR (DU)
No. L-14012/83/90-IR (DU)
No. L-14012/29/90-IR (DU)
No. L-14012/72/90-IR (DU)
No. L-14012/49/90-IR (DU)
No. L-14012/33/90-IR (DU)
No. L-14012/76/90-IR (DU)
No. L-14012/71/90-IR (DU)
No. L-14012/45/90-IR (DU)
No. L-14012/86/90-IR (DU)
No. L-14012/27/90-IR (DU)
No. L-14012/64/90-IR (DU)
No. L-14012/39/90-IR (DU)
No. L-14012/26/90-IR (DU)
No. L-14012/10/90-IR (DU)
No. L-14012/81/90-IR (DU)
No. L-14012/55/90-IR (DU)
No. L-14012/32/90-IR (DU)
No. L-14012/43/90-IR (DU)
No. L-14012/61/90-IR (DU)
No. L-14012/73/90-IR (DU)
No. L-14012/78/90-IR (DU)
No. L-14012/82/90-IR (DU)
No. L-14012/19/90-IR (DU)
No. L-14012/31/90-IR (DU)
No. L-14012/37/90-IR (DU)
No. L-14012/69/90-IR (DU)
No. L-14012/55/90-IR (DU)
No. L-14012/92/90-IR (DU)
No. L-14012/46/90-IR (DU)
No. L-14012/60/90-IR (DU)
No. L-14012/30/90-IR (DU)
No. L-14012/66/90-IR (DU)
No. L-14012/34/90-IR (DU)
No. L-14012/88/90-IR (DU)
No. L-14012/17/90-IR (DU)
No. L-14012/23/90-IR (DU)]

K. V. B. UNNI, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL TAMIL NADU
MADRAS

Friday, the 20th day of September, 1996

Present :—

THIRU S. THANGARAJ B.Sc., I.L.B.

INDUSTRIAL TRIBUNAL

INDUSTRIAL DISPUTE NOS. 12 OF 1994, to 30 OF 1994,
33 OF 1994 to 37 OF 1994, 40 OF 1994 TO 42/1994,
47 OF 1994 to 59 of 1994 and 62/1994 to 90/1994

(In the matter of the dispute for adjudication under Section 10(1) (d) of the Industrial Disputes Act, 1947 between the workmen and the management of Ordnance Depot, Avadi, Madras-53).

Between

Tvl.

1. G. Arul (I.D. 12/94)	C/o, Thiru S. Sundararajan, B.A. Authorised Representative of the workman, No. 441, Indra Gandhi Street, B.V. Nagar, PTMS, Avadi, IAF Post, Madras, 55.
2. T. Roy (I.D.13/94)	-do-
3. T. Manoharan (I.D.14/94)	-do-
4. S. Ravikumaran (I.D. 15/94)	-do-
5. V. Devasakayam (I.D. 16/94)	-do-
6. C.N. Krishnamurthy (I.D. 17/94)	-do-
7. R. Krishnamurthy (I.D.18/94)	-do-
8. B. Arogyanathan (I.D. 19/94)	-do-
9. V. Radhakrishnan (I.D. 20/94)	-do-
10. A. Murthy (I.D. 21/94)	-do-
11. S. Soundararajan (I.D. 22/94)	-do-
12. S. Ravi (I.D.23/94)	-do-
13. S. Ganesh Kumar (I.D. 24/94)	-do-
14. S. Janakar (I.D. 25/94)	-do-
15. R. Ponnusamy (I.D. 26/94)	-do-
16. T.P. Karuppusamy (I.D. 27/94)	-do-
17. M. Saji (I.D. 28/94)	-do-
18. M. Manivannan (I.D. 29/94)	-do-
19. Y. Janakar Singh (I.D. 30/94)	-do-
20. C. Amosc (I.D. 33/94)	-do-
21. A. Elanchezhian (I.D. 34/94)	-do-
22. V. Paranthaman (I.D. 35/94)	-do-
23. S. Thirvengadam (I.D. 36/94)	-do-
24. R. Thirumozhi (I.D. 37/94)	-do-
25. S. Ravikumar (I.D. 40/94)	-do-
26. V. Munusamy (I.D. 41/94)	-do-
27. Y. Harris (I.D. 42/94)	-do-
28. V. Karthik (I.D. 47/94)	-do-
29. G. Selvam (I.D. 48/94)	-do-
30. K. Arvinthu (I.D. 49/94)	-do-
31. P. Omanakuttan (I.D. 50/94)	-do-
32. N. Goplakrishna (I.D. 51/94)	-do-
33. R. Raju (I.D. 52/94)	-do-
34. R. Lakshman (I.D. 53/94)	-do-
35. G. Deenadayalan (I.D. 54/94)	-do-
36. R. Arulmary nathan (I.D. 55/94)	-do-
37. J. Perumal (I.D. 56/94)	-do-
38. R.D. Suresh Babu (I.D. 57/94)	-do-
39. T. Venu (I.D. 58/94)	-do-
40. Y. Madhoosoodhanan (I.D. 59/95)	-do-
41. A. Babuji (I.D. 62/94)	-do-
42. A. Husain (I.D. 63/94)	-do-
43. M. Mohanasundaram (I.D. 64/94)	-do-
44. D. Prabhakar Rao (I.D. 65/94)	-do-
45. R.D. Ravichandran (I.D. 66/94)	-do-
46. C.P. Sadanadnam (I.D. 67/94)	-do-
47. N. Sekar (I.D. 68/94)	-do-
48. M. Rufen (I.D. 69/94)	-do-
49. A. Ramu (I.D. 70/94)	-do-
50. P. Elangovan (I.D. 71/94)	-do-
51. Selvam (I.D. 72/94)	-do-
52. M.S. Unnikrishan (I.D. 73/94)	-do-
53. M. Jose Kuruville (I.D. 74/9)	-do-

	C/o Th. S. Srinivasan, B.A. Author of Rep. of the weekend 411, Indira Gandhi St., B.V. Nagar, PTMS, Avadi, IAF Post, Madras-55		
54. N.A. John Kennedy (I.D. 75/94)			
55. J.K. Rajan (I.D. 76/94)	-do-		
56. V. Abraham Devakumar (I.D. 77/94)	-do-		
57. N. Soundararajan (I.D. 78/94)	-do-		
58. S. Thippannan (I.D. 79/94)	-do-		
59. V. Vadamali (I.D. 80/94)	-do-		
60. A.M. Bhaskaran (I.D. 81/94)	-do-		
61. F. Ashok (I.D. 82/94)	-do-		
62. U. Manikandan (I.D. 83/94)	-do-		
63. P.R. Mohankumar (I.D. 84/94)	-do-		
64. Y. Rajendrasingh (I.D. 85/94)	-do-		
65. V. Josina Premkumar (I.D. 86/94)	-do-		
66. V. Arumugam (I.D. 87/94)	-do-		
67. S. Ajit Kumar (I.D. 88/94)	-do-		
68. T. Arulraj (I.D. 89/94)	-do-		
69. D. Yesupadam (I.D. 90/94)	-do-		

AND

The Commandant,
Ordnance Depot, Avadi, IAF Post,
Madras—600 53.

REFERENCE : Order No. L-14012/11/90-IR, (DU) dt. 9-2-94	Ministry of Labour, Govt. of India		(In I.D. 12/94)
Order No. L-14012/36/90-IR (DU), dt. 9-2-94	-do-	-do-	13/94)
Order No. L-14012/54/90-IR (DU), dt. 9-2-94	-do-	-do-	14/94)
Order No. L-14012/40/90-IR (DU), dt. 23-2-94.	-do-	-do-	15/94)
Order No. L-14012/50/90-IR (DU), dt. 9-2-94	-do-	-do-	16/94)
Order No. L-14012/29/90-IR (DU), dt. 9-2-94	-do-	-do-	17/94)
Order No. L-14012/21/90-IR (DU), dt. 9-2-94	-do-	-do-	18/94)
Order No. L-14012/22/90-IR (DU), dt. 10-2-94	-do-	-do-	19/94)
Order No. L-14012/35/90-IR (DU), dt. 10-2-94	-do-	-do-	20/94)
Order No. L-14012/84/90-IR (DU), dt. 7-2-94.	-do-	-do-	21/94)
Order No. L-14012/53/90-IR (DU), dt. 10-2-94	-do-	-do-	22/94)
Order No. L-14012/44/90-IR (DU), dt. 10-2-94.	-do-	-do-	23/94)
Order No. L-14012/47/90-IR (DU), dt. 10-2-94.	-do-	-do-	24/94)
Order No. L-14012/75/90-IR (DU), dt. 10-2-94.	-do-	-do-	25/94)
Order No. L-14012/28/90-IR (DU), dt. 10-2-94	-do-	-do-	26/94)
Order No. L-14012/38/90-IR (DU), dt. 10-2-94.	-do-	-do-	27/94)
Order No. L-14012/74/90-IR (DU), dt. 9-2-94.	-do-	-do-	28/94)
(Order No. L-14012/63/90-IR (DU), dt. 9-2-94.	-do-	-do-	29/94)

Order No. L-14012/70/90-IR (DU), dt. 9-2-94	Ministry of Labour Govt. of India (In I.D. 30/94)	
Order No. L-14012/80/90-IR (DU), dt. 10-2-94.	-do-	-do- 33/94)
Order No. 14012/65/90-IR (DU), dt. 10-2-94.	-do-	-do- 34/94)
Order No. L-14012/79/90-IR (DU), dt. 10-2-94.	-do-	-do- 35/94)
Order No. L-14012/57/90-IR (DU), dt. 10-2-94.	-do-	-do- 36/94)
Order No. L-14012/56/90-IR7 (DU), dt. 9-2-94	-do-	-do- 37/94)
Order No. L-14012/52/90-IR (DU), dt. 9-2-94	-do-	-do- 40/94)
Order No. L-14012/6290-IR (DU), dt. 23-2-94	-do-	-do- 41/94)
Order No. L-14012/5990-IR (DU), dt. 23-2-94	-do-	-do- 42/94)
Order No. L-14012/51/90-IR (DU), dt. 23-2-94.	-do-	-do- 47/94)
Order No. L-14012/25/90-IR (DU), dt. 23-2-94.	-do-	-do- 48/94)
Order No. L-14012/36/90-IR (DU), dt. 9-2-94	-do-	-do- 49/94)
Order No. L-14012/67/90-IR (DU), dt. 23-2-94	-do-	-do- 50/94)
Order No. L-14012/65/90- IR (DU), dt. 24-2-94	-do-	-do- 51/94)
Order No. L-14012/58/90- IR (DU), dt. 9-2-94	-do-	-do- 52/94)
Order No. L-14012/83/90- IR (DU), dt. 23-2-94	-do-	-do- 53/94)
Order No. L-14012/29/90- IR (DU), dt. 2-3-94	-do-	-do- 54/94)
Order No. L-14012/72/90- IR (DU), dt. 23-2-94	-do-	-do- 55/94)
Order No. L-14012/49/90- IR (DU), dt. 23-2-94	-do-	-do- 56/94)
Order No. L-14012/33/90- IR (DU), dt. 23-2-94	-do-	-do- 57/94)
Order No. L-14012/76/90- IR (DU), dt. 23-2-94	-do-	-do- 58/94)
Order No. L-14012/71/90- IR (DU), 23-2-94	-do-	-do- 59/94)
Order No. L-14012/45/90- IR (DU), 23-2-94	-do-	-do- 62/94)
Order No. L-14012/86/90- IR (DU), dt. 23-2-94	-do-	-do- 63/94)
Order No. L-14012/27/90- IR (DU), dt. 23-2-94	-do-	-do- 64/90)
Order No. L-14012/64/90- IR (DU), dt. 23-2-94	-do-	-do- 65/94)
Order No. L-14012/39/90- IR (DU), dt. 23-2-94	-do-	-do- 66/94)
Order No. L-14012/26/90- IR (DU), dt. 23-2-94	-do-	-do- 67/94)
Order No. L-14012/10/90- IR (DU), dt. 23-2-94	-do-	-do- 68/94)
Order No. L-14012/81/90- IR (DU), dt. 23-2-94	-do-	-do- 69/94)

Order No. L-14012/55/90- IR (DU), dt. 23-2-94	Ministry of Labour Govt. of India	(In ID. 70/90)
Order No. L-14012/32/90- IR (DU), dt. 23-2-94	-do-	(-do- 71/94)
Order No. L-14012/43/90- IR (DU), dt. 24-2-94	-do-	(-do- 72/94)
Order No. L-14012/61/90- IR (DU), dt. 23-2-94	-do-	(-do- 73/94)
Order No. L-14012/73/90- IR (DU), dt. 24-2-94	-do-	(-do- 74/94)
Order No. L-14012/78/90- IR (DU), dt. 24-2-94	-do-	(-do- 75/94)
Order No. L-14012/82/90- IR (DU), dt. 24-2-94	-do-	(-do- 76/94)
Order No. L-14012/19/90- IR (DU), dt. 24-2-94	-do-	(-do- 77/94)
Order No. L-14012/31/90- IR (DU), dt. 24-2-94	-do-	(-do- 78/94)
Order No. L-14012/37/90- IR (DU), dt. 24-2-94	-do-	(-do- 79/94)
Order No. L-14012/69/90- IR (DU), dt. 24-2-94	-do-	(-do- 80/94)
Order No. L-14012/55/90- IR (DU), dt. 24-2-94	-do-	(-do- 81/94)
Order No. L-14012/92/90- IR (DU), dt. 24-2-94	-do-	(-do- 82/94)
Order No. L-14012/46/90- IR (DU), dt. 24-2-94	-do-	(-do- 83/94)
Order No. L-14012/60/90- IR (DU), dt. 23-2-94	-do-	(-do- 84/94)
Order No. L-14012/30/90- IR (DU), dt. 23-2-94	-do-	(-do- 85/94)
Order No. L-14012/66/90- IR (DU), dt. 23-2-94	-do-	(-do- 86/94)
Order No. L-14012/34/90- IR (DU), dt. 23-2-94	-do-	(-do- 87/94)
Order No. L-14012/68/90- IR (DU), dt. 23-2-94	-do-	(-do- 88/94)
Order No. L-14012/77/90- IR (DU), dt. 23-2-94	-do-	(-do- 89/94)
Order No. L-14012/23/90- IR (DU), dt. 23-2-94	-do-	(-do- 90/94)

These disputes coming on for final hearing on Wednesday, the 28th day of August 1996 upon perusing the reference claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru K. Elango, advocate appearing for the workmen and of Thiru S. Srinivasan Additional Standing Government Counsel appearing for the Management and these disputes having stood over till this day for consideration, this Tribunal made the following common.

I.D. 12/94

Government of India by its Order No. L-14012/11/90-IR (DU), dt. 9-2-94 has referred this dispute to this Tribunal for adjudication.

I.D. 13/94

Government of India by its Order No. L-14012/36/90-IR (DU), dt. 9-2-94 has referred this dispute to this Tribunal for adjudication.

202 GI/97—8

I.D. 14/94

Government of India by its Order No. L-14012/54/90-IR (DU), dt. 9-2-94 has referred this dispute to this Tribunal for adjudication.

I.D. 15/94

Government of India by its Order No. L-14012/40/90-IR (DU), dt. 23-2-94 has referred this dispute to this Tribunal for adjudication.

I.D. 16/94

Government of India by its Order No. L-14012/50/90-IR (DU), dt. 8-2-94 has referred this dispute to this Tribunal for adjudication.

I.D. 17/94

Government of India by its Order No. L-14012/29/90-IR (DU), dt. 9-2-94 has referred this dispute to this Tribunal for adjudication.

I.D. 18/94

Government of India by its Order No. L-14012/21/90-IR (DU), dt. 9-2-94 has referred this dispute to this Tribunal for adjudication.

I.D. 19/94

Government of India by its Order No. L-14012/22/90-IR (DU), dt. 10-2-94 has referred this dispute to this Tribunal for adjudication.

I.D. 20/94

Government of India by its Order No. L-14012/85/90-IR (DU), dt. 10-2-94 has referred this dispute to this Tribunal for adjudication.

I.D. 21/94

Government of India by its Order No. L-14012/84/90-IR (DU), dt. 7-2-94 has referred this dispute to this Tribunal for adjudication.

I.D. 22/94

Government of India, by its Order No. L-14012/53/90-IR (DU), dt. 10-2-94 has referred this dispute to this Tribunal for adjudication.

I.D. 23/94

Government of India by its Order No. L-14012/44/90-IR (DU), dt. 10-2-94 has referred this dispute to this Tribunal for adjudication.

I.D. 24/94

Government of India, by its Order No. L-14012/47/90-IR (DU), dt. 10-2-94 has referred this dispute to this Tribunal for adjudication.

I.D. 25/94

Government of India, by its Order No. L-14012/75/90-IR (DU), dt. 10-2-94 has referred this dispute to this Tribunal for adjudication.

I.D. 26/94

Government of India, by its Order No. L-14012/28/90-IR (DU), dt. 10-2-94 has referred this dispute to this Tribunal for adjudication.

I.D. 27/94

Government of India, by its Order No. L-14012/38/90-IR (DU), dt. 10-2-94 has referred this dispute to this Tribunal for adjudication.

I.D. 28/94

Government of India, by its Order No. L-14012/74/90-IR (DU), dt. 10-2-94 has referred this dispute to this Tribunal for adjudication.

I.D. 29/94

Government of India by its Order No. L-14012/63/90-IR (DU), dt. 9-2-94 has referred this dispute to this Tribunal for adjudication.

I.D. 30/94

Government of India, by its Order No. L-14012/70/90-IR (DU), dt. 9-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 33/94

Government of India, by its Order No. L-14012/80/90-IR (DU), dt. 10-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 34/94

Government of India, by its Order No. L-14012/65/90-IR (DU), dt. 10-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 35/94

Government of India, by its Order No. L-14012/79/90-IR (DU), dt. 10-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 36/94

Government of India, by its Order No. L-14012/57/90-IR (DU), dt. 10-2-94 has referred this dispute to this Tribunal for adjudication.

I.D. 37/94

Government of India, by its Order No. L-14012/56/90-IR (DU), dt. 9-2-94 has referred this dispute to this Tribunal for adjudication.

I.D. 40/94

Government of India, by its Order No. L-14012/52/90-IR (DU), dt. 9-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 41/94

Government of India, by its Order No. L-14012/62/90-IR (DU), dt. 23-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 42/94

Government of India, by its Order No. L-14012/59/90-IR (DU), dt. 23-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 47/94

Government of India, by its Order No. L-14012/51/90-IR (DU), dt. 23-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 48/94

Government of India, by its Order No. L-14012/25/90-IR (DU), dt. 23-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 49/94

Government of India, by its Order No. L-14012/36/90-IR (DU), dt. 9-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 50/94

Government of India, by its Order No. L-14012/67/90-IR (DU), dt. 23-2-94 has referred this dispute to this Tribunal for adjudication.

I.D. 51/94

Government of India, by its Order No. L-14012/48/90-IR (DU), dt. 24-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 52/94

Government of India, by its Order No. L-14012/58/90-IR (DU), dt. 9-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 53/94

Government of India, by its Order No. L-14012/83/90-IR (DU), dt. 23-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 54/94

Government of India, by its Order No. L-14012/29/90-IR (DU), dt. 23-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 55/94

Government of India, by its Order No. L-14012/72/90-IR (DU), dt. 23-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 56/94

Government of India, by its Order No. L-14012/49/90-IR (DU), dt. 23-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 57/94

Government of India, by its Order No. L-14012/33/90-IR (DU), dt. 23-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 58/94

Government of India, by its Order No. L-14012/76/90-IR (DU), dt. 23-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 59/94

Government of India, by its Order No. L-14012/71/90-IR (DU), dt. 23-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 62/94

Government of India, by its Order No. L-14012/45/90-IR (DU), dt. 23-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 63/94

Government of India, by its Order No. L-14012/86/90-IR (DU), dt. 23-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 64/94

Government of India, by its Order No. L-14012/27/90-IR (DU), dt. 23-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 65/94

Government of India, by its Order No. L-14012/64/90-IR (DU), dt. 23-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 66/94

Government of India, by its Order No. L-14012/39/90-IR (DU), dt. 23-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 67/94

Government of India by its Order No. L-14012/26/90-IR (DU), dt. 23-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 68/94

Government of India by its Order No. L-14012/10/90-IR (DU), dt. 23-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 69/94

Government of India by its Order No. L-14012/81/90-IR (DU), dt. 23-2-94 has referred this dispute to this Tribunal for adjudication.

I.D. 70/94

Government of India by its Order No. L-14012/55/90-IR (DU), dt. 23-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 71/94

Government of India by its Order No. L-14012/32/90-IR (DU), dt. 23-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 72/94

Government of India, by its Order No. L-14012/43/90-IR (DU), dt. 24-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 73/94

Government of India, by its Order No. L-14012/61/90-IR (DU), dt. 24-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 74/94

Government of India, by its Order No. L-14012/73/90-IR (DU), dt. 24-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 75/94

Government of India, by its Order No. L-14012/78/90-IR (DU), dt. 24-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 76/94

Government of India, by its Order No. L-14012/82/90-IR (DU), dated 24-2-94, has referred this dispute to this Tribunal for adjudication.

I. D. 77/94

Government of India, by its Order No. L-14012/19/90-IR (DU), dated 24-2-94, has referred this dispute to this Tribunal for adjudication.

I. D. 78/94

Government of India, by its Order No. L-14012/31/90-IR (DU), dated 24-2-94, has referred this dispute to this Tribunal for adjudication.

I. D. 79/94

Government of India, by its Order No. L-14012/37/90-IR (DU), dated 24-2-94, has referred this dispute to this Tribunal for adjudication.

I. D. 80/94

Government of India, by its Order No. L-14012/69/90-IR (DU), dated 24-2-94, has referred this dispute to this Tribunal for adjudication.

I. D. 81/94

Government of India, by its Order No. L-14012/55/90-IR (DU), dated 24-2-94, has referred this dispute to this Tribunal for adjudication.

I. D. 82/94

Government of India, by its Order No. L-14012/92/90-IR (DU), dated 24-2-94, has referred this dispute to this Tribunal for adjudication.

I. D. 83/94

Government of India, by its Order No. L-14012/46/90-IR (DU), dated 24-2-94, has referred this dispute to this Tribunal for adjudication.

I. D. 84/94

Government of India, by its Order No. L-14012/60/90-IR (DU), dated 23-2-94, has referred this dispute to this Tribunal for adjudication.

I.D. 85/94

Government of India, by its Order No. L-14012/30/90-IR (DU), dated 23-2-94, has referred this dispute to this Tribunal for adjudication.

I. D. 86/94

Government of India, by its Order No. L-14012/66/90-IR (DU), dated 23-2-94, has referred this dispute to this Tribunal for adjudication.

I. D. 87/94

Government of India, by its Order No. L-14012/34/90-IR (DU), dated 23-2-94, has referred this dispute to this Tribunal for adjudication.

I. D. 88/94

Government of India, by its Order No. L-14012/68/90-IR (DU), dated 23-2-94, has referred this dispute to this Tribunal for adjudication.

I. D. 89/94

Government of India, by its Order No. L-14012/77/90-IR (DU), dated 23-2-94, has referred this dispute to this Tribunal for adjudication.

I. D. 90/94

Government of India, by its Order No. L-14012/23/90-IR (DU), dated 23-2-94, has referred this dispute to this Tribunal for adjudication.

2. In all these references the following common issue has to be adjudicated.

"Whether the action of the Management of Ordnance Depot, Avadi in terminating the services of their workmen is justified. If not, what relief the workman concerned is entitled to?"

3. On receipt of notices, both the petitioners and the respondents appeared before this Tribunal. The petitioners have filed separate claim statements and the respondents have filed separate counter statements in everyone of the petitions.

4. The main averments found common in all the claim statements are as follows:

The petitioners were selected and appointed by the Board of Officers comprising of Presiding Officer and a member as Casual labourers with effect from October 1988 to carry out the work in the first respondent's establishment. The petitioners are casual labourers as defined under Section 2(s) of the Industrial Disputes Act 1947. The first respondent is an industry and provisions of Industrial Disputes Act, 1947 and the Rules, framed thereunder are applicable to the first respondent. The petitioners have worked more than 240 days within a period of 12 months continuously without any break in service.

5. All the petitioners were employed as Casual labourers, in the year 1988, though in different months. The services of all these petitioners were terminated on 31-3-90. All were uniformly drawing a monthly salary of Rs. 800. As casual labourers, some did different jobs like Clerk, fitter, messenger etc. The services of these petitioners were terminated abruptly on 31-3-90, without assigning any reason. Such a termination was in contravention of Section 25-F of the I.D. Act. Conditions precedent to the retrenchment of the workmen as contemplated under S. 25-N of Industrial Disputes Act, have not been followed before terminating their services. Though at the first instance, the Commissioner of Labour, (Central) Madras did not refer the matter to Government of India, subsequently the petitioners have filed W.P. No. 3324/92 before the High Court of Judicature at Madras and on the orders of the High Court, Madras the Government of India referred the disputes for adjudication u/s. 10(1)(d) of the Industrial Disputes Act, 1947. Regularisation of casual labourers was figured in the meeting held on 28-2-90. However, the concerned officials did not take into consideration of the services of the petitioners for regularisation. The first respondent has converted the nature of job as 'hired porters' with a view to eliminate the petitioners from raising any dispute under the I. D. Act. The oral orders of termination of the services of the petitioners is illegal, unreasonable and amounts to unfair labour practice. The first respondent is trying to appoint new hands as casual labourers in the place of the petitioners. The livelihood of the petitioners are at stake due to the abrupt termination of their services. In circumstances, the petitioners may be reinstated with full back wages and continuity of service.

6. The main averments found in the common counter filed by the respondents are as follows:

The petitioners were temporarily engaged as hired porters under casual labour basis to meet the temporary

Additional man power requirements for loading and unloading the stores of the IPKF troops, for the task of maintaining peace in Sri Lanka from October 1988 till end of the operation. The first respondent's depot being the nearest unit in Madras, the same was utilised for free supply of arms and ammunitions for the effective operation. None of the petitioners have ever served 240 days within 12 calendar months. The temporary engagement of petitioners have ceased immediately when the IPKF operations was over. The petitioners were not issued with any appointment order except a temporary depot admission pass and hence the question of termination notice does not arise. The petitioners are not entitled for reinstatement and other benefits as they were retrenched as per the orders of the Government of India. There was a bar on new recruitments since 1984 by the Government of India. These petitions are not maintainable and they may be dismissed.

7. Petitioners examined one witness on their side and Exs. W-1 and W-2 were marked. The respondent examined one witness on its side and Exs. M-1 to M-13 were marked.

8. The Point for consideration is.—Whether the action of the Management of Ordnance Depot, Avadi in terminating the services of the workmen (petitioners herein) is justified. If not, to what relief the workmen concerned are entitled to?"

9. The Point.—69 workmen have raised 60 individual disputes regarding terminating of their services and since one and the same question has arisen in all these disputes, as agreed by both parties, they were heard together. Due to ethnic violence in the nearby island of Sri Lanka, Government of India took a decision to send Indian Peace Keeping Force to Sri Lanka to maintain peace. Ex. M-11 dated 4-3-89 shows the allocation of funds for Indian Peace Keeping Force operation. However, the authorities were not aware of any firm budget allocation having been made under the contingency fund for the IPKF and a sum of Rs. 24,46,927.64 was the expenditure incurred by Ordnance Depot, Avadi at Madras in this regard. In Ex. M-2, dated 31-1-91 Government of India, Ministry of Defence, New Delhi passed orders regarding the terms and conditions of service of casual industrial and non-industrial employees. The workmen herein were engaged to load and unload arms and ammunitions and other manual works in Avadi depot, for IPKF operation. A Board of Officers was constituted to select labourers as and when required. Ex. M-5 orders show the convening of Board of Officers for the selection of Personnel. The personnel were called in different names as 'hired labourers', 'hired porters' and 'casual labourers'. Ex. M-6 shows the disbursement of Pay to hired porters including the petitioners herein. Though the petitioners' wages once in a month they were paid on daily wage basis. There was no opportunity to give work on each everyday and they were engaged as and when sufficient work was there. Ex. M-9 clearly shows the problem experienced by the officials that on a particular day when more people reported for duty there was no work for them and on some other day when there was substantial amount of work, very few people reported for work. In order to obviate this difficulty, labourers were engaged as and when work was available to them. The IPKF operation went on for some time and till that period the petitioners and others were engaged in work. The fact remains that none of them have been engaged on all the working days during that period. There is also no proof that any one of them have ever engaged for 240 days within a period of 12 calendar months. These workers were engaged through employment exchange and their antecedents have been verified carefully. No appointment order was ever given to any of the petitioners. They were not terminated from their casual employment by any written order. Their employment was continued till the IPKF operation was carried out and once the IPKF was withdrawn, there was no opportunity for the petitioners to have employment much less continuous of service. These are the basic facts which are to be borne in mind before adjudicating further.

10. Apex Court of India in Delhi Development Horticulture Employees' Union Vs. Delhi Administration (1992 II LLJ P. 452) has held :

"Court has to take note of the pernicious consequences to which the direction for regularisation of workmen on the only ground that they have put in work for 240 or more days has been leading The other injurious effect of indiscriminate regularisation has been that many of the agencies have stopped undertaking casual or temporary work though they are urgent and essential for fear that if those who are employed on such works are required to be continued for 240 or more days have to be absorbed as regular employees although the works are time-bound and there is no need for the workmen beyond the completion of the works. The public interests are thus jeopardised on both counts."

In State of Haryana Vs. Pira Singh (1993 II LLJ P. 937) at page 950

"Moreover from the mere continuation of an adhoc employee for one year, it cannot be presumed that there is need for a regular post. Such a presumption may be justified only when such continuance extends to several years. Further, there can be no 'rule of thumb' in such matters. Conditions and circumstances of one unit may not be the same as of the other. Just because in one case, a direction was given to regularise employees who have put in one year's service as far as possible and subject to fulfilling the qualifications, it cannot be held that in each and every case such a direction must follow irrespective of and without taking into account the relevant circumstances and considerations. The relief must be moulded in each case having regard to all the relevant facts and circumstances of that case. It cannot be a mechanical act but a judicious one."

Again in Surendra Kumar Gyani Vs. State of Rajasthan and Anr. (1993 II LLJ P. 903) at page 909 and 910, Apex Court held :

"After considering the facts and circumstances of the case and submissions made by learned counsels for the parties, it appears to us that the appellant and other employees concerning the special leave petitions had not been given any permanent appointment and it was intended to give them appointment on a regular basis because such appointments on regular basis, were not permissible under the relevant recruitment rules, and the Rajasthan Service Commission was required to select persons for employment in the cadre of lower division clerk. Since there was temporary need to get the service of some Lower Division Clerks in the department, it was decided to create temporary posts of 180 clerks as stop-gap measure, to tackle the volume of work in the General Provident Fund and State Insurance Department. Accordingly 180 posts were sanctioned temporarily on the footing of appointments of daily rated clerks would come to an end on the availability of daily recruited persons. It is the case of the State Government since the persons recruited as daily wagers were not intended to be appointed as regular employees, either permanently or even temporarily, it was made expressly clear that their services could be terminated any time without notice and consequently on the basis of such terms of service, the impugned order has been made. It also appears that as a matter of fact 180 persons properly recruited by the Rajasthan Public Service Commission were made available for appointment, and such persons have in fact, have been given appointment. Hence in any event, the service of the appellant and other employees, in special leave petitions was liable to be terminated on the availability of properly recruited persons. In the aforesaid circumstances, we do not think that any direction that the said employees should be held to be in service and are continuing as such should be made."

From these decisions of our Supreme Court, it is clear that the status of permanency cannot be given to any workman simply for the reason that he has worked for more than 240 days in any consecutive 12 months or that there was vacancy. The relief must be moulded in each case having regard to all the relevant facts and circumstances of the case.

11. Considering all the 3 decisions of our Supreme Court, the Allahabad High Court in Zakir Hussain Vs. Engineer-in-Chief, Irrigation Department (1993 LIC P. 859) at page 840 held :

"Merely because an employee worked for two or three years he cannot claim regularisation of service as a matter of right. For regularisation, as mentioned before, there must be both posts and funds and the need for retention of the employee according to the requirement of work. That apart he must be qualified and the work and conduct of such employee must also be qualified and the work and conduct of such employee must also be satisfactory. It is also to be considered whether appointment on adhoc/daily wages basis have been made against the leave or casual vacancies. In cases of appointment on such vacancies, there would hardly be any scope for regularisation. These and various other factors have to be taken into consideration before deciding the question as to whether service of an employee appointed on adhoc/daily wage basis should be regularised. Regularisation cannot be made as a 'rule of thumb' on the basis of completion of certain years of service of such an employee. It all depends on various facts, some of which have been mentioned above, and it is for the employer to decide as to whether in view of the facts and circumstances of the case, the services of those employees who were appointed on adhoc/daily wage basis should be regularised."

After considering the above 3 decisions of our Supreme Court, the Allahabad High Court has come to the conclusion that for regularisation of any employee, there must be both post and funds and need for retention of employees according to the requirement of work. Further work and conduct of the employee must be also satisfactory. Now we have to assess the case of these workmen on broad principles rendered by Apex Court for India and followed by the Allahabad High Court.

12. The petitioner herein were engaged for IPKF operation. When the IPKF operation was over there was no scope for any vacancy. The Avadi Ordnance Depot had to accommodate the IPKF operation materials for the time being would not make it liable to give employment to the petitioners herein after the withdrawal of IPKF operation. None of the petitioners were given appointment order and also the termination order in writing. They were selected through Employment Exchange without confer any right on them and it was only because of the security reasons, the authorities concerned have selected them through employment exchange. here is nothing on record to show any one of them had worked 240 days within a period of 12 months. Ex. W-2 shows that one Sri C. P. Sudarand petitioning to Mr. Arul, petitioner in I. D. 12/94 shows that he has not worked anywhere near 240 days in 12 consecutive months. Ex. M-4, the attendance register pertaining to Mr. Arul, petitioner in I. D. 67/94 has worked for 2 years since February 1988 on casual basis as a Clerk. This is a certificate issued by the Deputy Commandant of Ordnance Depot, Avadi, Madras in favour of Shri C. P. Sudarand. This certificate will not clothe any right either on Shri C. P. Sudarand or any other petitioners herein.

13. My attention was drawn to a decision of our Apex Court in H. D. Singh Vs. Reserve Bank of India (AIR 1986 SC P. 132) wherein it was held :

"The appellant was not told that he would be struck off the rolls if he passed the matriculation. He was not given any order in writing either refusing work or informing that his name would be struck off the rolls. The case of the bank is that he was orally informed that his name has been struck off. Striking of the name of a workman from the rolls by the employer amounts to 'termination of service' and such termination is retrenchment within the

meaning of Section 2(oo) of the Act is effected in violation of the mandatory provision contained in Section 25-F and is invalid."

This ruling is not applicable to the facts of the instant cases. The facts of the instant cases are covered by the decisions of our Supreme Court stated above. In similar cases, our Supreme Court held that the workmen cannot claim regularisation or permanency of service simply for the reason that he has worked for 240 days in 12 consecutive months and his services were terminated without any reason. In the instant cases, the petitioners were appointed as hired porters for IPKF operation and on the withdrawal of the operation, there was no work for the petitioners. Hence this decision is not applicable to the instant cases.

14. The petitioners have drawn my attention to an unreported decision of our High Court of Judicature at Madras in W.P. No. 5897/85 dated 2-12-94 wherein it was held :

"This court shall always be reluctant in sanctioning any illegality or even irregularity which seriously affected any public appointment, for the obvious reason that if such an illegality and/or irregularity in the appointment is encouraged, people, who are exercising authority, may abuse their power and continue abusing their power. In the instant case, however, before the petitioner's service was terminated as Bill Collector, no attempt was made by the Authority concerned to inform him of the ground for doing so and held not enquiry whether on account of the alleged irregularity in the appointment, the appointment itself was fit to be cancelled or terminated. He has also given no reason why the petitioner had been promoted consequent under the said Government order. The respondents have clearly acted in violation of the well known principles of natural justice, i.e. audi alteram partem, and they have in their proceedings, chosen to act upon the Government's communication, which do not appear to support the order."

In the said case, the petitioner who was working as Bill Collector was reverted as Mazdoor. As already stated here the circumstances are quite different. In the unique circumstances of these cases, Section 2(oo) and Section 25-F of the Industrial Disputes Act, 1947 will not come into operation. These decisions are applicable to similar cases of that nature and not to the instant cases of these workmen, of the Industrial Disputes Act, 1947 will not come into the question as to whether the petitioners were retrenched validly or not on other allied reasons. It is clear that the petitioner were engaged for a specific purpose and on the withdrawal of the particular operation, there was no need to employ these petitioners any further. Therefore, all these petitions are liable to be dismissed.

In the result, award is passed dismissing the I. D. Nos. 12 to 30/94, 33 to 37/94, 40 to 42/94, 47 to 59/94 and 62 to 90/94. No costs.

Dated, this the 20th day of September, 1996.

S. THANGARAJ, Industrial Tribunal

WITNESSES EXAMINED

For Workmen :

WW-1—Thiru N. A. John Kenardy.

For Management :

MW-1—Major Bharat Bhushan.

DOCUMENTS MARKED

For Workmen :

Ex. W-1 —Statement showing workers worked in the Ordnance Depot, Avadi as casual workers.

Ex. W-2/16-2-90—Conduct certificate issued to Thiru C. P. Sadanand.

For Management :

Ex. M-1/23-2-90—Minutes of Work Committee (Xerox copy).

Ex. M-2/29-3-90—Letter from Commandant, Ordnance Depot, Avadi to the Southern Commandant, Headquarters, Pune-1, forwarding letter of representation from casual porters (Xerox copy).

Ex. M-3—Order of appointment of Mazdoors in Ex-servicemen vacancy (Xerox copy).

Ex. M-4—Daily attendance registers of Th. G. Arul.

Ex. M-5—Convening Order of Colonel Commandant (Xerox copy).

Ex. M-6—Disbursement of Pay in respect of hired porters (Xerox copy).

Ex. M-7—Administrative instructions for hiring of Hired Labour Daily Wages (Xerox copy).

Ex. M-8/25-11-88—Letter from Colonel Commandant to the Employment Officer, Employment Exchange, Trivellore regarding employment of Casual porters (Xerox copy).

Ex. M-9/31-1-91—Letter from Under Secretary to Government of India, Ministry of Defence, New Delhi regarding terms and conditions of services of casual industrial and non-industrial employees (Xerox copy).

Ex. M-10/29-3-94—Letter from Under Secretary to Government of India, Ministry of Defence, New Delhi regarding grant of temporary status and regularisation of casual workers (Xerox copy).

Ex. M-11/4-3-89—Budget allocation for IPKF—OP PAWAN for hiring transport and labour (Xerox copy).

Ex. M-12/12-7-94—Office memorandum from Ministry of Personnel, Public Grievances and Pension regarding grant of temporary status and regularisation of casual workers (Xerox copy).

Ex. M-13/series—Attendance register of the workers for the period for 28-11-87 to March 1990.

"Whether the action of the management of the Regional The learned counsels for both sides declined to adduce The Govt. of India have provided certain extra benefits. In the light of the above guidelines of Central Government the Remote Area Allowance are available only to those employees Bank of India Staff Officers Association. Guwahati.

नई दिल्ली, 10 जनवरी, 1997

का.अ. 304.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुपकरण में केन्द्रीय सरकार सेन्ट्रल वेयर हाउसिंग कॉर्पोरेशन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, असम के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 10-1-97 को प्राप्त हुआ था।

[नं. एन-12011/3/95-आई.आर. (विविध)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 10th January, 1997

S.O. 304.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Assam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Warehousing Corporation and their workman, which was received by the Central Government on 10-1-97.

[No. L-42011/3/95-JR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL, GUWAHATI, ASSAM

Reference No. 5(C) of 1995

PRESENT :

Shri J. C. Kalita, B. A. (Hons) LL.B.,

Presiding Officer,

Industrial Tribunal, Guwahati.

In the matter of an Industrial dispute between :

The Regional Manager, Central Warehousing Corpn.,
Regional Office, Guwahati.

Versus

The General Secy., Central Warehousing Corpn., Em-
ployees Union, North Eastern Region, Maligaon,
Gwahati.

AWARD

The Govt. of India, Ministry of Labour, New Delhi by a notification No. L-42011/3/95-IR(Misc.) dt. 30-10-95 referred an Industrial Dispute between the Regional Manager of Central Warehousing Corporation, Guwahati and its workmen, represented by the General Secretary, Central Warehousing Corporation employees Union, North Eastern Region, Maligaon, Guwahati for adjudication with copies to the parties. On receipt of the notification a reference was registered and notices were sent to the parties to appear and to file their written statement. Both the parties appeared and filed their written statement together with some documents in support of their cases. The union insisted for amendment of the issue already sent for adjudication. The Central Govt. by a corrigendum dt. 8-3-96 sent the amended issue which reads as follow :—

"Whether the action of the management of the Regional Manager, Central Warehousing Corporation, Guwahati, in denying the payment of arrears of Remote Area Allowance and Special Duty Allowance to the employees who have All India liability is justified? If not, to what relief the workmen are entitled to?"

The learned counsels for both sides declined to adduce oral evidence as the dispute solely relates to documentary evidences. The documents filed by the management are marked as Ext. 'X' and the documents filed by the union are marked as Ext. 'Y'.

The Central Warehousing Corporation (herein after be called Corporation) in their written statement contended that it has as many as 14 Regional Offices all over India with Head Office at New Delhi. It has its own recruitment rules. The Group 'D' employees are recruited through the local Employment Exchange. Group 'C' and 'D' employees in N. E. Region do not carry all India Transfer Liability, whereas the same group of employees in other Regional Offices (Except Guwahati) carry all India Transfer Liability. The Govt. of India have provided certain extra benefits allowances and other facilities to the various categories of civilian Central Govt. employees posted in N. E. States. In the light of the above guidelines of Central Govt., the Corporation also extended these benefit to its employees who belong to other states than N. E. States having all India Transfer Liability Remote Area Allowance and Special Duty allowance are amongsts those benefits.

Remote Area Allowance are available only to those employees who have been posted in N. E. Region and belong to other States than N. E. States. The Special duty allowance is not available to the locally recruited employees of the Corporation.

The union in their written statement contended that the Union comprises the Group 'C' and 'D' employees of North Eastern Region of the Corporation. The employees of these two groups are to sign an agreement at the time of joining in the service because of all India Transfer Liability. The Government of India, Finance Department by a memo. No. 20014/3/83-E.IV dated 4th December, 1983 granted some special benefits to the civilian employees of the Central Government serving in the N.E. States. Special Duty Allowance at the rate of Rs. 25 per cent of the basic pay subject to a ceiling of Rs. 400.00 P.M., posted in any States in N.E. States, were paid to the employees of the Corporation. The Government of India, Finance Department has subsequently enhanced the rate of Special Duty allowance to 12-1/2 per cent of the basic pay with effect from 1st December, 1988 to a ceiling of Rs. 1000.00 P.M.

The corporation by its order No. CWC/III-NER/Allowances 93 per cent RELTT dated 28th October, 1993 made a discrimination between the local and non local employees of the corporation posted in the North Eastern Region. The allowances have been allowed only to the employees posted in the Region from outside States and not to the employee recruited locally. So the union raised the dispute before the corporation but without any result. The issue was dragged before the Regional Labour Commissioner for conciliation, but it failed. Hence is the reference before this Tribunal.

The reference has two aspects—Payment of arrears of Remote Area Allowance and of Special Duty Allowances. It is an admitted fact that the Central Government, Ministry of Finance, New Delhi by a memo. No. 20814/3/83, EN dated 14th December, 1983 granted allowance and facilities to the civilian employees of the Central Government serving in the States and Union Territories of North Eastern Region. Annexure II of the union is the said office memorandum. Sub head III of this office memorandum relates to Special (Duty) allowance which reads as follows—Central Government civilian employees who have All India Transfer Liability will be granted a Special (Duty) allowance at the rate of Rs. 25 per cent of the basic pay to a ceiling of Rs. 400.00 P.M. on posting to any station in the North Eastern Region. By a subsequent office memorandum the Ministry of Finance, Central Government No. F. 120014/16/86-E.IV(B) dated 1st December, 1988 enhanced the rate of the allowances to 12-1/2 per cent of the basic pay to a ceiling of Rs. 1000.00 P.M. Annexure III is the said memorandum. It is nowhere mentioned in the said office memorandum that only the non-local employees of the Central Government civilian employees posted in North Eastern Region are entitled to this Special Duty Allowance and the local employees posted in the Region are not entitled.

Union averred that the services under the Corporation has All India Transfer Liability as per Clause 12 of the Staff Regulation 1886. Management averred that the Group 'D' employees of the Corporation are recruited through local employment exchange and they are not transferable but the other categories of employees who are transferred to the region after recruitment from other region. It has been further averred that the Group 'C' and Group 'D' employees in the N.E. Region do not carry all India Transfer Liability.

Classification of Posts.—As per Clause 4 of the staff regulation posts carrying a scale of pay with a maximum of Rs. 290.00 but less than Rs. 900.00 are Group 'C' post and posts carrying a pay or scale of pay the maximum of which is Rs. 290 or less.

Mark 'Y' (14) to 'Y' (17) are transfer orders of some of the employee of the Corporation which proves that the Group 'C' and 'D' employees have all India Transfer Liability and by the said order, the Corporation transferred them from one Regional Office to another Regional Office. This has belied the management's contentions that the Group 'C' and 'D' employee do not carry all India Transfer Liability. It can be safely held that the employees recruited locally in the North Eastern Region are also subject to all India Transfer Liability.

Let me see whether the employees serving in North Eastern Region States are entitled to Special Duty allowances as provided in Mark Y(1) and Y(2). The Special Duty allowance to civilian employees of the Central Government was first made effective from 1st November, 1983 which was revised

subsequently with effect from 1st December, 1983. In these two office memorandum various benefits and allowances are granted to the civilian employees of the Central Government serving in the North Eastern States. As regards Special Compensatory allowance which is also termed as Remote Area allowance management made no dispute before this Tribunal in the written statement as well as in their submission. The employees who are locally recruited have been paid this allowance but withheld it for the period from 1st August, 1987 to 30th November, 1992 in the revised pay scale. Once the management has been satisfied to grant this allowance irrespective of local and non-local it has an obligation to pay this allowance in the revised scale of pay to the employees of the Corporation serving in the North Eastern States, and their arrears shall be paid immediately.

As regard Special Duty allowance this Tribunal is to decide the entitlement of the said allowance which was not extended to the local employees of the Corporation. The claim of Special Duty allowance reads as follows—Central Government civilian employees who have all India Transfer Liability will be granted Special Duty allowance at the rate of Rs. 25 per cent of the basic pay subject to a ceiling of Rs. 400.00 P.M. Which was subsequently raised to Rs. 12-1/2 per cent of the basic pay to a ceiling of Rs. 1000.00 P.M. By reading between the lines of the head 'Special Duty allowance' it appears to be applicable to all the employee who have all India Transfer Liability but when the basic consideration of this allowance is carefully perused it means something different. The need for attracting and retaining the services of Competent Officer from the service in the North Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland, Tripura, Mizoram and Arunachal Pradesh has been engaging the attention of the Government for some time. Government has appointed a committee to review the existing allowances and facilities admissible to various categories of civilian employees of the Central Government serving in this region.

Union submitted that the employees having all India Transfer Liability are entitled to this Special Duty allowance serving in the States of North Eastern Region irrespective of local and non-local. They have cited the cases of All India Radio, Doordarshan, North Eastern Electric Power Corporation, Employees State Insurance Corporation, Khadi and Village Industries Commission and Central Inland and Water Transport Corporation. Who have been regularly paying the Special Duty allowances to their employees without any discrimination of local and non-local. On the other hand the Corporation relied on the Hon'ble Supreme Court's decision in respect of the demands made by the Association of Inspectors of Customs and Central Excise under the Collectorate of Customs and Central Excise, Shillong as well as the Reserve Bank of India Staff Officers Association, Guwahati. The Hon'ble Supreme Court in their reasoned decision laid emphasis on the words "attracting and retaining in the services of the competent officers in the North Eastern States. The allowances and facilities extended by the memorandum in question were to attract and to retain the Competent Officers in the North Eastern States. The intention of the Government was to provide an other incentive to attract the Competent Officers belonging to the other Region than the North Eastern Region. The question of attracting and retaining the services of Competent Officer who belong to the North Eastern Region itself would not arise as no persuasion to serve in the North Eastern Region is necessary in respect of the Officer/employees recruited and posted locally. The purpose of granting these extra benefits to non-local employees transferred from other regions was the primary consideration of the committee. Fully agreeing with the decision in (1991) 4 SCC. 132 I must say that the employees of the North Eastern Region who are recruited and posted locally are not entitled to the Special Duty allowance granted to the Central Government employees who are non-local. The management is justified in not granting the Special Duty allowances to the employees of the Corporation who are local.

The submission of the learned counsel for the union that this Special Duty allowance have been paid to the local employees of All India Radio, Doordarshan, North Eastern Electric Power Corporation, Employees State Insurance Corporation, Khadi & Village Industries Commission and Central Inland Water Transport Corporation could not be considered in view of the Hon'ble Supreme Court's decision. However, the Remote Area allowance already paid to the local em-

ployees of the Corporation but withheld for the time being shall be paid immediately with arrears from 1st August, 1987 to 30th November, 1992 and shall continue.

I given this Award on this 17th December, 1996 under my hand and seal.

SHRI J. C. KAITHA, Presiding Officer

नई दिल्ली, 10 जनवरी, 1997

का.आ.305.--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मद्रास डॉक लेबर बोर्ड के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिवरण, मद्रास के पंचार को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-1-97 को प्राप्त हुआ था।

[सं. एच-33012/2/91-आईआर (विधि)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 10th January, 1997

S.O. 305.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Madras Dock Labour Board and their workman, which was received by the Central Government on 8-1-97.

[No. L-33012/2/91-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU

MADRAS

Wednesday, the 20th day of November, 1996

PRESENT :

Thiru S. Thangaraj, B.Sc., L.L.B., Industrial Tribunal
Industrial Dispute No. 62 of 1991

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Madras Dock Labour Board, Madras-600001)

BETWEEN

The Workmen represented by :
The General Secretary,
The Madras Harbour Workers Union,
204, Prakasam Salai, Bhagat House,
Madras-600108.

AND

The Dy. Chairman,
Madras Dock Labour Board,
Rajaji Salai,
Madras-600001

REFERENCE :

Order No. L-33012/2/91-IR(Misc.), dated 19-6-91, Ministry of Labour, Government of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Thiru M. Varadarajam, Authorised Representative for the Workmen and of Thiru R. Arumugam for Th. I. Aiyar and Dolia, Advocates appearing for the Management upon perusing the reference, claim and counter statements and other connected papers on record and the authorised representative having made an endorsement not pressing the demand, of the workmen and recording the same, this Tribunal passed the following:

AWARD

This reference has been made for adjudication of the following issue:

"Whether the action of the management of Madras Dock Labour Board in denying the payment of Rs. 60 and Rs. 50 to Supervisors/ Receipt Clerks as Special allowance is justified? If not, to what relief the workmen are entitled?"

The authorised representation for the petitioner/union has made endorsement on the claim petition not pressing the demands. Endorsement recorded. Industrial Dispute dismissed as not pressed. No costs.

Dated, this the 20th day of November, 1996.

COPY OF ENDOREMENT MADE BY PETITIONER

Petitioners' not to press the demand.

S. THANGARAJ, Industrial Tribunal
Authorised Representative
20-11-96

नई दिल्ली, 10 जनवरी, 1997

का.भ्रा. 306.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अंतर्गच्छ में, केन्द्रीय सरकार कलकत्ता पोर्ट ट्रस्ट के प्रबंधन के सबब नियोजकों और उनके कर्मचारियों के बीच, अंतर्गच्छ में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-1-97 को प्राप्त हुआ था।

[सं. एन-32012/3/85-डी-IV-(ए)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 10th January, 1997

S.O. 306.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Port Trust and their workman, which was received by the Central Government on 8-1-1997.

[No. L-32012/3/85-D.IV (A)]

B. M. DAVID, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 50 of 1986

PARTIES :

Employers in relation to the management of Calcutta

Port Trust, Calcutta

202 GI/97—9

AND

Their workman.

PRESENT :

Mr. Justice K. C. Jagadeb Roy, Presiding Officer.

APPEARANCE :

On behalf of Management—Mr. P. Roy, Labour Adviser and Industrial Relations Officer and Mr. G. Mukhopadhyay, Senior Labour Officer (I.R.).

On behalf of Workmen—Mr. S. Chakraborty, Secretary of the Union.

STATE : West Bengal

INDUSTRY : Port

AWARD

By Order No. L-32012/3/85-D.IV (A) dated 26th June, 1996 the Central Government in exercise of its powers under Section 10(1)(d) and (2-A) of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Calcutta Port Trust in recording the age of Shri Subal Chandra Mazumdar, Lascar, KPD, as 32 years as on 6-1-65 as assessed by the Medical Officer, Calcutta Port Trust and not as 23 years 8 months as on 6-1-65 on the basis of School Leaving Certificate of Shri Subal Chandra Mazumdar, Lascar, K.P.D. is justified? And if not, to what relief is the workman concerned entitled?"

2. Calcutta Port and Shore Mazdoor Union which has taken up the case of the workman has filed their written statement on 15 November 1988 under the signature of Sri Roy Ganguly, Vice President of the Union. The management, namely Calcutta Port Trust filed its written statement thereafter on 20-2-1989 followed by a rejoinder of the workmen dated 4th April, 1989.

3. The case of the Union as per the written statement is that the workman Shri Subal Chandra Mazumdar was appointed as a temporary Lascar in the Marine Department of the Calcutta Port Trust on 11-2-1964. The workman had declared his date of birth as 1st May 1941 but could not produce the necessary certificate as evidence in support of his date of birth but produced only a certificate issued to him by Inland Transport Training Centre. The Inland Water Training Certificate which has been marked Ext. W-2 is dated 5-7-1963 shows his date of birth as 1st of April 1941. The training after completion of which this certificate was given for a period of 3 months. According to the Union, since the Inland Water Training Certificate was not accepted by the Trustees as an evidence of proof of age, the workman Sri Mazumdar was sent to the Chief Medical Officer for the assessment of his age, who declared him to be of the age 32 years on 6-1-1965. In paragraph 5 of the written statement, the Union has asserted that Sri Mazumdar, the workman could not trace out the school leaving certificate at the relevant time but finally searched out the same when he made a representation for rectification of his date of birth enclosing alongwith the representation a photocopy of the school leaving certificate and the Inland Water Training Certificate. In paragraph 2 of the said written statement it has been asserted that application for change of date of birth had been made on 12-10-1972, followed by reminders on 12-1-1977, 12-10-1982 and 5-7-1983. Subsequently the Union also made a representation on 9-11-1983 to the Dock Master, Calcutta Port Trust with the same prayer for rectifying the date of birth of Sri Mazumdar but was replied back by the Harbour Master (Port). CPT that the request could not be accepted because of the administrative rules. This was communicated by the letter of Harbour Master dated 30-1-1984, subsequent to which representations were made by the Union to the Chairman. CPT on 18-5-1984 followed by a reminder on 21-6-1984 but nothing yielded any results. Ultimately the matter having been taken up for conciliation, on the failure of which the reference has been made to this Tribunal for adjudication.

4. In the written statement of the management, it had been asserted that either a Matriculation or School Le

Baptismal Certificate is considered as valid document for the purpose of ascertaining and correcting age of the employees under the CPT. If the prospective employee is unable to submit any of these documents, he is sent, prior to his recruitment to the Board's Medical Officer alongwith a G-53 form for the purpose of not only assessing his fitness but also for assessment of his age. On receipt of the G-53 form alongwith the report of the Medical Officer, the appointing authority in the concerned department appoints the person in service of the Board and opens a Service Register. After some days, the workman is supplied with the Service Book and the date of retirement of the employee is determined on the basis of the age recorded in the said service sheet, otherwise called the Service Book. It was admitted by the management that Sri Subal Chandra Mazumdar was appointed in Board's service on 11-2-1954 as temporary Tascar in the Dock Master Section of the Marine Department. But according to the averments of the management, the workman was unable to submit any valid documentary evidence in support of his age and was therefore sent to the Board's Medical Officer alongwith the G-53 form for determination of his age. The Medical Officer had assessed his age as 32 years on 6-1-1965 which was entered in the service sheet of the workman and he was supplied with a Service Book. The normal rules in this regard were followed without any deviation in respect of the determination of the age of the workman concerned. According to the management the workman as a member of the Provident Fund having Account No. D-881 submitted various particulars including his age in the prescribed form declaring his date of birth as 6-1-1933 and declared his home address as 32, Sarat Chandra Road, East Barisha, Calcutta-700008. On various occasions he had admitted to the Board's hospital and every time he declared his age before the Medical Officer during the material period between 1-12-1970 to 4-12-1979 to be 38 years. It was stated in paragraph 9 of the written statement of the management that the Union in his letter dated 18-5-1984 made a representation to the Chairman of the Board stating that Sri Mazumdar had produced the School Leaving Certificate from Tripura with much hardship and requested for review of his age but this could not be done as it was contrary to the Board's rules regarding change of date of birth. According to the management the certificate issued by the Inland Water Transport Crew Training Centre was not acknowledged as an evidence of date of birth of its students, because the date of birth recorded in such certificate does not disclose from which record this was supplied and how this was verified. The management also challenged the so called School Leaving Certificate marked Ext. W-1 stating that it was not a school leaving certificate but was in the nature of character certificate issued by the Head Master and raised further objection to the genuineness of the certificate alleging it to be a forged one. It has been specifically stated that it was not known if Shri G. C. Nath was the Head Master of Bolonia H.E. School on 5-1-1960 and had any authority to give such certificate. It could upon the Union to prove the same. They also raised the point that Sri Mazumdar the workman had declared his home address to be 32, Sarat Chandra Road, Calcutta-700008, which raised doubts if he was a student of a school at Agartala. The management further asserted that in view of the declaration of the workman about his age in the Provident Fund papers which is not 1-5-1941 as claimed now, there was no basis for the workman to seek rectification of the date of birth and his request had been rightly rejected.

According to the management, the employees of the Calcutta Port Trust are governed by the Fundamental Rules and Supplementary Rules and as per Note-5 of the Fundamental Rules, 1956, the date of birth of the employees shall be declared by the Government servant at the time of appointment and shall be accepted by the appropriate authority on production, as far as possible, of confirmatory documentary evidence such as High School or Secondary School certificate or extracts from Birth Register. The date of birth so declared by the employee and accepted by the authority shall not be subject to any alteration except on very specific grounds such as genuine bonafide mistake if at all occurred and such change would not have made him ineligible to appear in any school or university or UPSC examination in which he had appeared or to desire to enter into and the request was made within 5 years of entry into the service. Applying this test since the request came much beyond 5 years such a request was belated and an after thought and should not have been accepted. In paragraph 14 the management categorically denied that Shri Mazumdar had declared his

date of birth at the time of his appointment on the basis of any valid document. He made any application for rectification of the age accordingly on the basis of a certificate stated to be a school leaving certificate on 10-1-1977 and 12-10-1982 as alleged by him. The Board denied that any valid documentary evidence in support of the age was produced by Sri Mazumdar at the time or prior to his appointment and rightly was sent to the Medical Officer for assessment of his age, who assessed him at 32 years on 6-1-1965. In paragraph 15 it has been clarified by the management that Sri Mazumdar entered the service on 11-2-1964 and prior to that he was sent to the Medical Officer for certificate of fitness but after his appointment, it had been detected that Sri Mazumdar had no valid documentary evidence in support of his age, he had been sent then to the Medical Officer for assessment of his age.

In respect of the Inland Water Transport Crew Training Certificate, the management has stated in paragraph 16 of the written statement that there was no prescribed qualification required for such training and the candidates were allowed training if they were with good physique and were able to read and write. As such, any date of birth recorded in that certificate was not to be accepted as actual date of birth of the candidate which are very vital information in respect of an employee in his service with the management. According to the management as contained in paragraph 17 of the written statement, the workman did not raise any objection to the assessment of age made by the Medical Officer at the time of assessment of age and the dispute was only raised on 4-7-1988 almost after lapse of 24 years. It was also asserted in this paragraph that the workman never informed the Board that he had a school leaving certificate as a proof of age and could not produce the same because of certain personal difficulties and completely denied the allegations in this respect raised by the Union in paragraph 17 of their written statement. The management further denied to have received any representation with regard to the rectification of age on 12-7-1972. According to the management the guidelines for rectification of age had been made in the year 1957 which has been exhibited by the management as Ext. M-6. According to these guidelines Inland Water Transport Crew Training Certificate could not have been accepted as a proof of age and rightly the assessment was made by the Medical Officer in the absence of any valid documentary proof and was rightly accepted as a valid proof of age.

5. In the rejoinder filed by the Union to the written statement of the management, they have stated that the workman who studied in Tripura during his childhood came down to Calcutta and was living at 32, Sarat Chandra Road, East Barisha, Calcutta-700008. The Union further urged that the date of birth of the workman had been mentioned as 1-5-1941 in the Service Book but had been scrolled through subsequently and he was shown to be 32 years on 6-1-1965.

6. The workman have filed 9 documents. The certificate issued by the Head Master of Bolonia H.E. School dated 5-1-1960 is marked Ext. W-1 which shows that the workman was a student of Bolonia H.E. School in the year 1959 and passed examination of Class-VIII and according to the Admission Register his date of birth was 1st of May, 1941. It was signed by one Shri G. C. Nath on 5-1-1960 and is held to be a school leaving certificate by the workman. Ext. W-2 is a certificate issued by the Government of West Bengal in favour of the workman after his training in the Inland Water Transport Crew Training at the I.W.T. Centre showing his date of birth as 1st April, 1941. Ext. W-3 is the Service Book of the workman which shows initially his age at the time of appointment as 1-5-1941 (birth) but later on corrected by a different ink showing 32 years on 6-1-1965. This Service Book is not challenged to be forged but accepted as genuine one by the management. Ext. W-4 is dated 10-1-1977 which is purported to be a hand written copy of the letter addressed to the Dock Master, CPT by Sri Subal Chandra Mazumdar, the workman, stating that his date of birth is 1st of May 1941 but was wrongly recorded as 32 years on 6-1-1965. Ext. W-5 is a typed copy of the letter of the workman addressed to the Dock Master dated 5-7-1983 requesting for rectification of the age recorded as 32 years in the year 1965 whereas his actual age was 23 years 8 months and some days in accordance with the school leaving certificate and mentioned in the said letter that he had earlier written to them on 10-7-1977 and 12-10-1982. Ext. W-6 is a letter

of the Industrial Relation Officer of the management to the A.L.C. (C), Calcutta informing the ALC that Sri Mazumdar did not produce any valid document at the time of appointment in support of his age and that is why he was sent to the Medical Officer for assessment of age. Ext. W-7 is a letter addressed to the A.L.C. (C) requesting him to persuade the management to effect the change of date of birth of the workman. Ext. W-8 is another letter written by the Industrial Relations Officer of the management to A.L.C. reiterating again the fact that the workman did not produce any documentary evidence in support of his age for which he was sent to the Medical Officer and there was no basis for change of age according to the guidelines of the management. Ext. W-9 is a letter of the Harbour Master (Port) to the Joint Secretary, Calcutta Port and Shore Mazdoor Union stating that the workman had not produced his school leaving certificate in proof of his age, which was later on certified by the Chief Medical Officer as 32 years on 6-1-1965. This could not be changed as it was not a clerical error and against the Administrative rules.

7. The management from their side produce 2 passports of the workman issued on 11 December 1963 at Calcutta showing his date of birth as 1-9-1934 and the other one is also another passport issued in favour of the workman on 5 September 1979 showing his date of birth as 9-8-1932. These passports are marked Ext. M-1 and Ext. M-2 respectively. Ext. M-3 is a requisition sent by the Dock Master to the Medical Officer/Register D.H. seeking a certificate of age of the workman. Ext. M-4 is the certificate of the dispensary of the CPT showing that the workman was 38 years on 1-4-1970. Ext. M-5 is a no objection certificate from the Director, Marine Department issued to the Harbour Master (Port) endorsing a "No Objection" in favour of the workman for enabling him to apply for a passport for Bangladesh. It was dated 26-8-1991. Ext. M-6 is a circular of the Calcutta Port Trust dated 16 March 1959 for correct recording of age stating that when the age declared by the employee did not seem to be correct and the employee concerned failed to produce satisfactory documentary evidence, he was required to be sent to the Chief Medical Officer for correct assessment of age and the age certificate by the Chief Medical Officer should be accepted as correct age. Ext. M-7 is also a circular under the signature of the Secretary of the CPT which is dated 17 June 1978 circulated to all heads of departments stating that the change in the date of birth should not be entertained except where it has been established that a clerical mistake had been taken place in recording the same in the Service Register. This circular enclosed a letter dated 27-3-1978 from the Ministry of Shipping and Transport stating that the decision of the Government stated above would apply to the employees of the Calcutta Port Trust.

8. From the evidence led in the case, I find that the workman was never sure about his date of birth and had given different dates as his date of birth on different occasions without any acceptable justification. At the time of entering into the service as a Lascar as has been held on in the written statement of the Union, the workman did not file his school leaving certificate which he received only afterwards and had only filed the certificate Ext. W-2 issued by the Inland Water Transport Crew Training Centre of West Bengal dated 5-7-1963. The workman however in his evidence before this Tribunal has stated that he filed his school leaving certificate marked Ext. W-1 dated 5-1-1960 alongwith the I.W.T.C. certificate marked Ext. W-2 at the time of joining his service for the purpose of verification of his age. This statement made before the Tribunal is contrary to the stand taken by the Union and the further evidence that is there in the deposition led on behalf of the workman that this certificate was obtained subsequently from Trinura when the workman had written to his uncle there to procure the certificate. He personally did not receive the certificate from the school when he left and did not know how this was obtained by his uncle and if from the proper authority. This certificate Ext. W-1 has been challenged by the management being not a school leaving certificate as it was not in the form the school leaving certificate are to be issued and appears to be a character certificate by someone who described himself as the Head Master of the Balonia H.E. School of Trinura. In spite of this positive challenge on behalf of the management regarding the authenticity of the certificate, the workman had not examined the uncle who obtained the certificate from the school to state if Sri G. C. Nath who gave the certificate was indeed the Head Master

of the school and had issued the certificate for which he has the authority.

9. The further conduct of the workman also raises doubt about truthfulness of the contents of the document as the two exhibits M-1 and M-2 being passports of the workman which are filed by the management would show that Ext. M-1 which was issued on 11 December 1963 in favour of the workman shows that his date of birth was 1-9-1934. This is a contemporaneous document with Ext. W-2, the Inland Water Transport Crew Training Centre's certificate. No explanation has been given by the workman as to how he had mentioned his date of birth as 1-9-1934 in asking for this passport (Ext. M-1) if his date of birth was 1-5-1941. Another passport marked Ext. M-2 issued in favour of the present workman shows that his date of birth was 9-8-1932 and the passport is dated 5th September 1979. No explanation is also given how he mentioned his date of birth as 9-8-1932 in his application for this passport. This being no credence can be given to the statement of the workman that his correct date of birth was actually 1-5-1941.

10. It is true that in the Ext. W-3, the Service Book of the workman, at the time of appointment, his age was indicated as 1-5-1941 (birth) but was corrected by a different ink to be 32 years on 6-1-1965. Management explained in their written statement and supported by their evidence through MW1 that this wrong entry "1-5-1941" having been seen by the Management to have been based on Ext. W-2, the Inland Water Transport Crew Training certificate, which was not an acceptable document for the proof of age, was subsequently changed on the basis of the Chief Medical Officer's assessment that actually the age of the workman was 32 years on 6-1-1965. The workman has not led any evidence contrary to this or even in proof of the fact that this change of the date of birth was done not after the medical examination of the workman but any time prior to that.

11. Admittedly, under the rules only the matriculation certificate/school leaving certificate etc. as mentioned earlier in this Award as per Ext. M-6 were only to be considered which did not include a document like Ext. W-2. To add to this, the workman did not raise any objection to the change of his age/date of birth until 1977 and acquiesced with it. The assertion of the Union that he raised objection in 1972 is not supported by any evidence on record. On the other hand the workman had stated that he for the first time moved the authority for change of date of birth in the year 1977 and no explanation also comes forward why he slept over till such time to raise his objection. The Fundamental Rules which has been quoted above and has been made applicable to the employees of the CPT require that any grievance for correction of date of birth should be made within a period of 5 years of the date of entry in the Service Book. According to the management the objection was raised much beyond that period. As per Ext. M-7 the request for change of date of birth should not be entertained except where it had been established that a clerical mistake had been committed in recording the same. This document is however dated 7-6-1978 but was in force when the Union took up the matter with the management for change of date of birth.

12. I accordingly hold that the management of Calcutta Port Trust in recording the age of the workman Shri Subal Chandra Mazumdar, Lascar as 32 years on 6-1-1965 as assessed by the Medical Officer of the Calcutta Port Trust and not accepting the fact that he was 22 years 8 months on the said date on the basis of the so called school leaving certificate as well as I.W.T. certificate is justified and the workman is not entitled to any relief on this score.

The reference is answered accordingly.

Dated, Calcutta,

The 17th December, 1996.

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 13 जनवरी, 1997

का.आ. 307.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता पोर्ट ट्रस्ट के प्रबंधन से संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-1-97 को प्राप्त हुआ था।

[सं.एन-32011/2/92-आई.आर. (विविध)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 13th January, 1997

S.O. 307.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Port Trust and their workmen, which was received by the Central Government on 13-1-97.

[No. 32011/2/92-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 4 of 1993

PARTIES:

Employers in relation to the management of Calcutta Port Trust

AND

Their workmen.

PRESENT:

Mr. Justice K. C. Jagadeb Roy, Presiding Officer.

APPEARANCES:

On behalf of Management: Mr. M. K. Das, Senior Labour Officer and Mr. G. Mukhopadhyaya, Senior Labour Officer.

On behalf of Workmen: Mr. R. N. Chandra, President of the Haldia-Calcutta Port and Dock Shramik Union.

Mr. K. K. Banerjee, Working President of the National Union of Waterfront Workers.

STATE: West Bengal.

INDUSTRY: Port.

AWARD

By Order No. L-32011/2/92-IR(Misc.) dated 29/31-12-1992 the Central Government in exercise of its powers under sections 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Calcutta Port Trust in refusing to provide the benefits of supply of soap, glass tumbler and duster to all un-skilled, semi-skilled and skilled workmen working in Senior Shipwright Section, Marine Foreman Section, North Workshop and HTR Section under C.M.E. Department of the Calcutta Port Trust as being supplied to certain employees in above Sections is justified or not? If not, what relief the concerned workmen are entitled to?"

AND

"Whether the action of the management of Calcutta Port Trust in refusing to supply Safety Boots to all workmen working in the Sections mentioned in item (i) above of CME Department as being supplied to all workmen in Black Smith Shop of Workshop No. 8 of CME Department is justified or not? If not what relief the concerned workmen are entitled to?"

2. Originally the Haldia-Calcutta Port and Dock Shramik Union was the party representing the workmen. But on 25th July, 1995 the National Union of Waterfront Workers was added as a party in the case. Since then no steps has been taken by the added party nor the original union which raised the dispute. Though only on one occasion on 1-8-1996 Shri Chandra the President of the Union had appeared but no one has appeared on their behalf since then. That being the position, on 21-9-1996 the Tribunal had passed the order fixing the hearing of the case to 18-12-1996 peremptorily for examination of the witness on behalf of the workmen. But no steps had been taken on 18-12-1996 for examination of the workmen's witness, nor any of the two Unions appeared to represent their case. It had been submitted by the management that since the workmen have failed to lead their evidence in spite of every opportunity having been given to them, the workmen have given up their case and a "No Dispute" Award shall be passed.

3. Since no adjudication can be made on the matter referred to the Tribunal without any evidence and no materials has been brought to the notice of the Tribunal that for any good reasons the workmen are not in a position to lead evidence or they have been unduly prevented to lead their evidence, I pass this "No Dispute" Award in the case.

The reference is disposed of accordingly.

Dated, Calcutta,

The 1st January, 1997.

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 14 जनवरी, 1997

का.आ. 308.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स ई.सी.एल. के प्रबंधन से संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में, निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-1-97 को प्राप्त हुआ था।

[सं.एल-22012/360/90-आई.आर. (सी-II)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 14th January, 1997

S.O. 308.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on 10-1-97.

[No. L-22012/360/90-IR (C.II)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, ASANSOL

Reference No. 6/91

PRESENT:

Shri R. S. Mishra, Presiding Officer.

PARTIES:

Employers in relation to the management of Madhaipur Colliery of M/s. E. C. Ltd.,

AND

Their Workmen.

APPEARANCES :

For the Employer—None.

For the Workmen—None.

INDUSTRY : Coal.

STATE : West Bengal.

Dated the 2nd January, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(360)/90-IR(C.II) dated 20-2-91 :

"Whether the action of the management of Madhainpur Colliery of M/s. E.C. Ltd., P.O. Nutandanga, Distt. Burdwan, in denying payment of difference of wages of Grade-G to Shri Durga Ram and others with effect from 1980 is justified? If not to what relief are the concerned workmen entitled?"

2. In spite of notice by Registered post in pursuance of order dated 20-8-96, the union does not appear. Apparently not interested in the dispute.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 14 जनवरी, 1997

का.आ. 309.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-1-97 को प्राप्त हुआ था।

[सं.एल-22012/438/90-आई आर (सी-II)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 14th January, 1997

S.O. 309.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd. and their workman, which was received by the Central Government on 10-1-97.

[No. L-22012/438/90-IR (C.II)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 12/91

PRESENT :

Shri R. S. Mishra, Presiding Officer.

PARTIES :

Employers in relation to the management of Madhainpur Colliery of M/s. E. C. Ltd.,

AND

Their Workmen.

APPEARANCES :

For the Employer—None.

For the Workmen—None.

INDUSTRY : Coal.

STATE : West Bengal.

Dated the 2nd January, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/(438)/90-IR(C.II) dated 21-3-91 :

"Whether the action of the management of Madhainpur Colliery of M/s. E.C. Ltd., P.O. Nutandanga, Distt. Burdwan, in denying difference of wages of peon in Grade-H to Smt. Santi Devi and Sundari Devi, to what relief are the concerned workmen are entitled to?"

2. In spite of notice by Registered post in pursuance of order dated 20-8-96, the union does not appear. Apparently not interested in the dispute.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 14 जनवरी, 1997

का.आ. 310.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-1-97 को प्राप्त हुआ था।

[सं. एल-22012/311/90-आई आर (सी-2)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 14th January, 1997

S.O. 310.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E. C. Ltd. and their workman, which was received by the Central Government on 10-1-97.

[No. L-22012/311/90-IR (C-II)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 5/91

PRESENT :

Shri R. S. Mishra, Presiding Officer.

PARTIES :

Employers in relation to the management of Madhainpur Colliery of M/s. E. C. Ltd.,

AND

Their Workmen.

APPEARANCES :

For the Employer—None.

For the Workmen—None.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 2nd January, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(311)/90-IR(C.II) dated the 11th February, 1991 :

"Whether the action of the management of Madhaipur Colliery of M/s. E. C. L., P.O. Nutandanga, Dist. Burdwan, in denying special piece rate allowance to S/Sri Anand Pan and 37 others as per list enclosed is justified? If not, to what relief are the concerned workmen entitled?"

2. In spite of notice by Registered post in pursuance of order dated 20-8-96, the union does not appear. Apparently not interested in the dispute.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 14 जनवरी, 1997

का०आ०. 311 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई सी एल के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-1-97 को प्राप्त हुआ था।

[सं. एल-22012/7/91-आई आर (सी-2)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 14th January, 1997

S.O. 311.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E. C. Ltd. and their workmen, which was received by the Central Government on 10-1-97.

[No. L-22012/7/91-IR (C.II)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 26/91

PRESENT :

Shri R. S. Mishra, Presiding Officer.

PARTIES :

Employers in relation to the management of Kalipahari Colliery of M/s. E. C. Ltd.,

AND

Their Workmen.

APPEARANCES :

For the Employer—None.

For the Workmen—None.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 2nd January, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/7/91-IR(C.II) dated 25-4-91 :

"Whether the action of the management of Kalipahari (R) Colliery under Sripur Area of M/s. ECL, P.O. Kalipahari, District Burdwan, in terminating the services of Binchachal Singh and 13 others workmen with effect from the date shown against each, on the ground of superannuation was justified? If not, to what relief the workmen were entitled?"

2. In spite of notice by Registered post in pursuance of order dated 13-9-96, the union does not appear. Apparently not interested in the dispute.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 14 जनवरी, 1997

का०आ०. 312 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई सी एल के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-1-97 को प्राप्त हुआ था।

[सं. एल-22012/378/91-आई आर (सी-2)]

बी० एम० डेविड, डेस्क अधिकारी

New Delhi, the 14th January, 1997

S.O. 312.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E. C. Ltd. and their workman, which was received by the Central Government on 10-1-97.

[No. L-22012/378/91-IR (C.II)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 21/92

PRESENT :

Shri R. S. Mishra, Presiding Officer.

PARTIES :

The Employers in relation to the management of Sodepur (R) Colliery of M/s. E. C. Ltd.,

AND

Their Workmen.

APPEARANCES :

For the Employer—None.

For the Workmen—None.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 2nd January, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/378/(91)-IR(C.II) dated 12-5-92/21-5-92 :

"Whether the action of the management of Sodepur (R) Colliery E.C. Ltd., P.O. Sunderchak, District Burdwan in terminating Shri Drupat Ahir, Mining Sirdar from the year 1987 is justified? If not, to what relief the concerned workman is entitled to?"

2. In spite of notice by Regd. post in pursuance of order dated 13-9-96, the union does not appear. Apparently not interested in the dispute.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 14 जनवरी, 1997

का०आ० 313—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार मैसर्स ईसीएल के प्रबन्धत्व के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-1-97 को प्राप्त हुआ था।

[सं. एल-22012/396/90-आई आर (सी-2)]

बी० एम० डेविड, डेस्क अधिकारी

New Delhi, the 14th January, 1997

S.O. 313.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd. and their workman, which was received by the Central Government on 10-1-97.

[No. L-22012/396/90-IR (C.II)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 13/91

PRESENT :

Shri R. S. Mishra, Presiding Officer.

PARTIES :

Employers in relation to the management of Madhaipur Colliery of M/s. E. C. Ltd.,

AND

Their Workmen.

APPEARANCES :

For the Employer—None.

For the Workmen—None.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 2nd January, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(396)/90-IR(C.II) dated 22-3-91 :

"Whether the action of the management of Madhaipur Colliery of M/s. ECL, P.O. Nutandanga, District Burdwan, in denying implementation of NCWA-II in respect of Shri Jan Mahamad S/o Sk. Rahman, Boiler Fireman is justified? If not, to what relief is the concerned workman entitled?"

2. In spite of notice by Registered Post in pursuance of order dated 20-8-96, the union does not appear. Apparently not interested in the dispute.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 14 जनवरी, 1997

का०आ० 314—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार मैसर्स ईसीएल के प्रबन्धत्व के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-1-97 को प्राप्त हुआ था।

[सं. एल-22012/439/90-आई आर (सी-2)]

बी० एम० डेविड, डेस्क अधिकारी

New Delhi, the 14th January, 1997

S.O. 314.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E. C. Ltd. and their workman, which was received by the Central Government on 10-1-97.

[No. L-22012/439/90-IR (C.II)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 14/91

PRESENT :

Shri R. S. Mishra, Presiding Officer.

PARTIES :

Employers in relation to the management of Madhaipur Colliery of M/s. E. C. Ltd.,

AND

Their Workmen.

APPEARANCES :

For the Employer—None.

For the Workmen—None.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 2nd January, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(439)/90-IR(C.II) dated 3-4-91:

"Whether the action of the management of Madhaipur Colliery of M/s. ECL, P.O. Nulandanga, Dist. Burdwan, in denying the payment of difference of wages to Shri Ambika Singh, Fitter with effect from 24-11-87 is justified? If not to what relief is the concerned workman entitled?"

2. In spite of notice by Registered Post in pursuance of order dated 20-8-96, the union does not appear. Apparently not interested in the dispute.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 14 जनवरी, 1997

कांआ० 315.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भैसर्स ईसीएल के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाट को प्रस्तावित करती है, जो केन्द्रीय सरकार को 10-1-97 को प्राप्त हुआ था।

[सं. एल-22012/225/91-आईआर (सी-2)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 14th January, 1997

S.O. 315.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd. and their workman, which was received by the Central Government on 10-1-97.

[No. L-22012/225/91-IR(C-II)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 35/91

PRESENT :

Shri R. S. Mishra, Presiding Officer

PARTIES :

Employers in relation to the management of Madhaipur Colliery of M/s. E.C. Ltd.,

AND

Their Workmen

APPEARANCES :

For the Employer—None

For the Workmen—None

INDUSTRY : Coal STATE : West Bengal

Dated, the 2nd January, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/225/91-IR(C.II), dated the September, 1991.

"Whether the action of the management of Madhaipur Colliery of M/s. ECL, PO. Nulandanga, Dist. Burdwan, in denying paying of difference of wages for working as C.L. Fitter-cum-Issue Clerk to Shri Paritosh Mukherjee, C.L. Mazdoor w.e.f. 1-1-83 is justified? If not, to what relief the concerned workman is entitled?"

2. In spite of notice by Registered post in pursuance of order dated 21-8-96, the union does not appear. Apparently not interested in the dispute.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 14 जनवरी, 1997

कांआ० 316.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भैसर्स ईसीएल के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रस्तावित करती है, जो केन्द्रीय सरकार को 13-1-97 को प्राप्त हुआ था।

[सं. एल-19012/131/80-सी० IV (बी)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 14th January, 1997

S.O. 316.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd. and their work-

man, which was received by the Central Government on 13-1-97.

[No. L-19012/131/86-D.IV(B)]

B. M. DAVID, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 82 of 1988

PARTIES :

Employers in relation to the management of
Dhemommain Colliery of M/s. E.C. Ltd.

AND

Their Workmen

PRESENT :

Mr. Justice K. C. Jagadeb Roy, Presiding
Officer

APPEARANCE :

On behalf of Management—Mr. P. Banerjee,
Advocate

On behalf of Workmen—Mr. N. Ganguly,
Advocate and Mr. A. D. Singh, an
office bearer of the Union.

STATE : West Bengal INDUSTRY : Coal

AWARD

By Order No. L-19012/(131)/86-D.IV(B),
dated 9th June, 1987 the Central Government in
exercise of its powers under Section 10(1)(d) and
(2A) of the Industrial Disputes Act, 1947, refer-
red the following dispute to this Tribunal for ad-
judication :

“Whether the action of the Management of
Dhemommain Colliery of M/s. E.C. Ltd.
in terminating the service of Shri Kun-
dan Singh Mining Sirdar w.e.f. 1-7-1985
is justified ? If not, to what relief the
workman concerned is entitled ?”

2. Both the union and the management have
filed their written statements. While the Union
claimed that the management should have accept-
ed the date of birth of the workman concerned
Kundan Singh, Mining Sirdar to be 24-8-1930 on
the basis of the Ext. W-2, an attested school cer-
tificate, the management has relied on the date of
birth of the workman on the basis of Ext. M-9 the
medical certificate which states that the workman
was 60 years on the date of medical examination
on 25-6-1985, thereby holding the year of birth
as 1925. Admittedly the workman has been
allowed to retire on 1-7-1985 on completion of
his 60th year. This difference on the dates of

birth as claimed by both the parties has given rise
to this reference case.

3. This is also admitted that Kundan Singh
actually started his service in the Dhemommain
Colliery on 2-12-1954 which then was a private
concern. The Collieries were nationalised in India
in the year 1972. The case of the union was,
at the time of his recruitment to the Dhemommain
Colliery on 2-12-1954, then a private concern,
the workman had gave out his age to be 24 years
claiming his date of birth to be 1930 as per his
school leaving certificate Ext. W-2, which shows
the date of birth as 24-8-1930 and this date of
birth, according to the union, was reflected in the
'B' Form Register of the private colliery. Subse-
quently, however, according to the claim of the
union, after the collieries were nationalised a sepe-
rate 'B' Form Register was prepared by the new
employer wherein his date of birth was shown to
be 3-1-1926. Ext. M-7 is the 'B' Form Register
which shows the workman concerned was 46 years
of age when he commenced his employment on
3-1-1992 in the colliery when it was a private
concern, thereby showing that his date of birth to
be 3-1-1926. The workman who was a Mining
Sirdar, in order to qualify for the job was required
to undergo Mining Sirdarship certificate, which
he obtained after completion of his training. The
said certificate is marked as Ext. W-1. This cer-
tificate shows his year of birth as 29 years on
21-2-1954, implying thereby his date of birth was
21-2-1925. Then only, he raised his grievance
before the management to correct his date of
birth and relied on for the first time on the school
leaving certificate Ext. W-2 to accept his date of
birth to be 24-8-1930, which in effect, if accepted,
would have allowed him to work in the colliery
till 24-8-1990, thereby giving an extension of 5
years service. The management sent the work-
man to the medical board for ascertaining his age,
who gave certificate as per Ext. M-9. This report
of the medical board issued on 20-6-1985 shows
that his year of birth was 1925. The union how-
ever challenges this document on the ground that
the relevant portion of this document showing the
assessed age was over-written as 60 in the place
of 59 years on 25-6-1985 and year of birth has
been over-written to be 1925 over 1926. This
document Ext. M-1 which is the same as Ext.
M-9 (one being the xerox copy of the other) indi-
cates that the age of the workman was 59 years
as per 'B' Form Register.

4. Before coming to the consideration of the
documentary evidence produced, it is worthwhile
to go through the evidence of the workman him-
self. He had stated that he joined the colliery in
December, 1949 and orally mentioned his date of
birth as 24 August, 1930. He had stated in the
cross-examination that for obtaining the certificate
(Mining Sirdar certificate), one has to fill up the
Form himself and though the school certificate

was not called for, the age was asked for and he gave his age and on so furnishing the age, the age was recorded in the certificate. It is therefore very difficult to accept the statement of the workman that he ever mentioned before the colliery then a private concern that his date of birth was 24 August, 1930 which he claimed on the basis of a school leaving certificate, Ext. W-2. This certificate is dated 20-2-1949. If at all this was there, nothing prevented this workman to mention this age while applying for the Mining Sirdarship certificate and furthermore there is no material on the record to show that there was a separate 'B' Form Register maintained when the colliery was a private concern wherein his date of birth was recorded as 24-8-1930.

5. The genuineness of Ext. W-2 (the school leaving certificate) is also in doubt. The workman has not examined any one from the school authorities who with reference to any document of the school could state that such a certificate had been issued and the date 24-8-1930 had in fact been mentioned as the date of birth in any register maintained by the school authorities. This being the case, the question now arises which of the three dates, namely 3-1-1926 as borne out in the 'B' Form Register (Ext. M-7), the year of birth reported by the Age Determination Committee to be 1925 or the date 21-2-1925 as per the Mining Sirdar certificate Ext. M-1 be accepted as the correct age.

The medical report Ext. M-9 has been challenged by the union on the ground that there are over-writings on the material portion of the certificate namely on the words "59 years", 60 years has been over-written and the year of birth 1925 of the workman has been over-written over 1926. Accordingly, the workman claims that attempt had been made by the management to increase the age of the workman by one year. According to them the year of birth should have been 1926 instead of 1925. One of the 4 doctors in the panel of the Age Determination Committee by name Dr. Samanta has been examined as MW-3. He had stated the scientific methods adopted to determine the age but the law is well-settled that this determination is not very accurate and is only approximate. No attempt has been made by the union however suggesting there was over-writings made latter on the material portion. Therefore nothing has come out in the evidence indicating when and how the over-writing were made. I do not therefore rely on this report regarding the date of birth of the workman.

Coming to the other document namely, the Mining Sirdar certificate Ext. W-1, the certificate shows that the workman was 29 years on 21-2-54 suggesting his date of birth to be 21-2-25 and as I have already indicated it is the workman himself

who is to give this information about his age to be recorded in the certificate which is borne out in his own evidence before this Tribunal.

In the ordinary circumstances, I would have come to the conclusion that the date of birth of this workman was 21-2-1925. But since the 'B' Form Register of the Company shows his age as 46 years on 3-1-1972, the date of birth of the workman therefore should come to 3-1-1926, if it is believed. Between these two dates the management is bound obviously for the date mentioned by them in their own 'B' Form Register Ext. M-7, according to which the date of birth should be 3-1-1926. This date is also more beneficial to the workman because in the Mining Sirdar certificate his date of birth was almost a year earlier.

6. I accordingly hold that the correct age of the workman should be treated to be 3-1-1926, the date as per 'B' Form Register and the age of superannuation being 60 years, he ought to have retired on 3-1-1986. But in the present case the workman had been allowed to retire on 1-7-1985. The superannuation of the workman with effect from 1-7-1985 is therefore not justified and he is entitled to the wage for the period 1-7-1985 to 3-1-1986 at the rate of wage available to him at the material time.

The reference is answered accordingly.

Dated, Calcutta,

The 2nd January, 1997

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 15 जनवरी, 1997

का.भा. 317.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.एम.पी.डी.आई. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-1-97 को प्राप्त हुआ था।

[सं. एल-22012/463/94-आईआर (सी-II)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 15th January, 1997

S.O. 317.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of C.M.P.D.I. and their workman, which was received by the Central Government on 14-1-1997.

[No. L-22012/463/94-IR (C-II)]

B. M. DAVID, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

PRESENT :

Sri M. R. Behera, O.S.J.S. (Sr. Branch),
Presiding Officer, Industrial Tribunal,
Orissa, Bhubaneswar.

Industrial Dispute Case No. 32 of 1995
Dated, Bhubaneswar, the 3rd January, 1997

BETWEEN

The Management of C.M.P.D.I.,
R-I, VII, Gruha Nirman Bhavan,
Sachivalaya Marg, Bhubaneswar

—First Party-
Management.

AND

Their workman Sri B. B. Padhi, L.D.C./Typist, represented through National Coal Organisation Employees' Association, C/o C.M.P.D.I., Gruha Nirman Bhavan, Bhubaneswar —Second Party-workman.

APPEARANCES :

S. A. Khan, Sr. Personnel Officer—For the first party-management.

Sri B. B. Padhi—The second party-workman himself.

AWARD

The Government of India, in the Ministry of Labour, in exercise of its powers conferred by clause (d) of sub-section (1) and sub-section 2-A of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide their Order No. L-22012/463/94-IR (C-II) dated 16-5-95 :—

"Whether the action of the management of CMPDI in inflicting the punishment demotion to initial stage of present scale of pay on Shri B. B. Padhi, LDC/Typist is legal and justified? If not, what relief the workman is entitled to?"

2. The case was posted to 2-1-97 for consideration of the memorandum of settlement filed by the parties. On that day both the parties drew the attention of the Tribunal to the memorandum of settlement filed in the Tribunal on 3-4-96. In furtherance of the memorandum of settlement, they filed the original copy of the memorandum of settlement. The second party Sri B. B. Padhi admitted in the Court that he has gone through the terms of the settlement. Sri Padhi was explained the contents of the memorandum of settlement and he acknowledged the terms of compromise wholeheartedly. The Tribunal has no reason to discard the compromise. Accordingly, the compromise is accepted. The Award is made in terms of settlement arrived at between the parties. The memorandum of settlement be made a part of the Award.

3. The reference is answered in terms of compromise inter-alia terms of "settlement", reproduced hereunder :—

1. It is agreed that the penalty under reference will remain imposed for one year from the date of its effect.
2. It is further agreed that immediately after completion of the said one year, the concerned employee will regain his basic, which he would have got had the punishment been not imposed on him.
3. It is agreed that the said period of one year and for arriving at the basic, after completion of the said one year, only notional benefit/increment will be given.
4. It is agreed that he will not get any arrear for the said one year and also not be given any arrear payment arising out of this settlement till 30-9-95 to this account.
5. It is agreed by the parties that this settlement will be submitted before the CGIT, Bhubaneswar under

a joint application, praying an award in terms of this settlement, on or before 3-4-1996.

6. It is agreed by the management that on receipt of award by the learned Tribunal in terms of the above terms of settlement the office order will be issued within 15 days from the date of receipt for its implementation with a copy to workmen and union concerned.

7. It is agreed by the parties that this is full and final settlement of all claims arising out of the Dispute and reference order No. L-22012/463/94-IR (C-II) dated 16-5-95 being reference No. 32 95 (C) and neither the union nor the workmen concerned will make any further claims over the above terms of this settlement.

Typed to my dictation and corrected by me.

Dated : 3-1-1997

M. R. BEHERA, Presiding Officer

नई दिल्ली, 16 जनवरी, 1997

का.आ. 318:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में, केन्द्रीय सरकार डी.पी.ओ. उत्तर रेलवे, मुरादाबाद के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-1-97 को प्राप्त हुआ था।

[संख्या एन-41012/75/94-आईआर(बी)]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 16th January, 1997

S.O. 318.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of D.P.O. N.R.Iy, Muradabad, and their workman, which was received by the Central Government on 6-1-97.

[No. L-41012/75/94-IR(B-I)]

P.J. MICHAEL, Desk Officer

ANNEXURE

Before Sri B K Srivastava Presiding Officer Central Government Industrial Tribunal cum Labour Court Pandu Nagar, Kanpur.

Industrial Dispute No. 81 of 1995 In the matter of dispute

BETWEEN

The Zonal Vice President Northern Railway Karamchhari Union 39-II-J Multistorey Railway Colony Charbagh Lucknow.

AND

The Divisional Personnel Officer, Northern Railway Muradabad.

AWARD

1. Central Government, Ministry of Labour, vide its notification no.L-41012/75/94 IRN-I dated 30-6-96 has referred the following dispute for adjudication to this Tribunal:—

Whether the action of the management of Northern Railway Moradabad Division in terminating the services of Sri Girija Shanker S/o Sri Nathoo Lal Gangman w.e.f. 14-3-79 and thereafter not giving opportunity to offer himself for employment when fresh appointments were made is legal and just. If not, to what relief is the concerned workman entitled to?

2. In his claim statement the concerned workman Girija Shanker has alleged that he was engaged as Gangman by the opposite party Northern Railway and was placed under P.W.I. Maholi Moradabad Division. He worked upto 12-4-79 and thereby he had completed 250 days. His services were brought to an end w.e.f. 13-4-79 without paying notice pay and retrenchment compensation. It is further alleged that junior to him Ram Het Vishnu Kumar, Ram Gopal w.e.f. 15-7-92 took over his job in this service but he was not given chance. Hence there has been breach of section 25G & H of I.D. Act.

3. In the written statement it is alleged that claim is very stale and should not be entertained. It is further alleged that the concerned workman from 12-12-78 to 30-1-79 had worked for 28 days whereas from 15-3-79 to 13-4-79 he had worked for 30 days and in this way he had not worked for 240 days in any calendar year at all. The concerned workman stopped coming of his own w.e.f. 13-4-79. It is further alleged that in 1992 some posts were filled because of judgment of Central Administrative Tribunal, hence provisions of section 25H of I.D. Act are not attracted in such case.

4. In support of his claim the concerned workman has examined himself as Girija Shanker W.W.I. The management did not adduce any oral evidence. Instead they have filed papers to show that some appointments were made in pursuance of order of Central Administrative Tribunal Allahabad.

5. In his cross examination he was asked to give the details of number of days for which he had worked which he was unable to do. He has also denied suggestion that he had stopped attending duties of his own. Thus it will be seen that version of the concerned workman is un rebutted. Hence I accept and it is held that concerned workman had completed 250 days. Admittedly he had not been paid notice pay and retrenchment compensation, hence his termination is bad being in breach of provisions of section 25F of I.D. Act.

6. No evidence has been given by the concerned workman to prove breach of provisions of section 25G of I.D. Act. Hence it is decided against him.

7. The railway itself has admitted that he had given employment in 1992 but the same was given in pursuance of order of Central Administrative Tribunal. This fact is verified from documents filed by them. In my opinion when appointments are made in pursuance of the order of the court in such a case provisions of Sec. 25H of I.D. Act would not be applicable. Hence my finding is that there has been no breach of provisions of Section 25H of I.D. Act.

8. From the above review it is evident that the termination of the concerned workman is bad being in breach of Section 25F of I.D. Act. Still I am not inclined to grant him any relief as the claim is stale and further there is no satisfactory explanation at all. I have arrived at this conclusion because of case of Balwant Singh versus Labour Court Bhatinda 1996 b I.C. 45. Hence, my award is that termination of the Con-

cerned workman was bad still he is not entitled for any relief as the claim is stale.

9. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 जनवरी, 1997

का.आ. 319:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में . केन्द्रीय सरकार उत्तर पूर्व रेलवे, लखनऊ के प्रबन्धतंत्र के सबख नियोजकों और उनके कर्मकारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-1-97 को प्राप्त हुआ था ।

[संख्या एल-41011/30/89-डी-II(बी)]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 16th January 1997

S.O. 319.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of DRM, N.E. Rly., Lucknow and their workman, which was received by the Central Government on 6-1-97.

[No. L-41011/30/89-D.II-B]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 184 of 1990

In the matter of dispute :

BETWEEN

General Secretary,
Railway Sharmik Sangh,
6, Naveen Market,
Kaisar Bagh,
Lucknow.

AND

Divisional Railway Manager,
N.E. Railway, Ashok Marg,
Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi vide its Notification No. L-14011/30/89-D-2(B), dated 21-2-90 has referred the following dispute for adjudication to this tribunal :

Whether the Divisional Railway Manager, North Eastern Railway, Lucknow was justified in terminating the services of Sh. Mani Ram and 6 others ? If not, what relief the workman was entitled to?

2. It is not necessary to give details of the case as on 18-12-96 Au. Rep. of the concerned made a statement that he has no instructions. Hence the reference answered against the concerned workman for want of prosecution and proof and concerned workmen are not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 जनवरी, 1997

का.ग्रा. 320:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सी.ई.ई. (कंस्ट्रक्शन) उत्तर रेलवे कानपुर के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-1-97 को प्राप्त हुआ था।

[संख्या एल-41011/67/92-आई.आर. (डी.यू.)]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 16th January, 1997

S.O. 320.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of C.E.E. (Const.) Uttar Rly., Kanpur and their workman, which was received by the Central Government on 6-1-97.

[No. L-41011/67/92-IR(DU)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 101 of 1993

In the matter of dispute :

BETWEEN

Working President,
Uttar Railway Nirman Karamchari Union
38/126, Prem Nagar,
Kanpur.

AND

Dy. Chief Electrical Engineer (Construction),
Uttar Railway, G.T. Road,
Kanpur.

AWARD

1. Central Government, Ministry of Labour, New Delhi vide its Notification No. L-41011/67/92-I.R.(D.U.), dated 30-11-93 has referred the following dispute for adjudication to this tribunal :

Whether the action of DRM, Northern Railway, Allahabad and Dy. Chief Electrical Engineer (C), Northern Railway, Kanpur in denying the regularisation of services of 78 workmen as per list enclosed at Annexure 'A' is legal, proper and justified ? If not, what other relief the workmen concerned were entitled to and from which date ?

2. It is unnecessary to give full facts of the case as after exchange of papers neither the concerned workmen nor the union turned up in the case despite issue of notice. It thus appears that neither the Union nor the concerned workmen are interested in the case.

3. In view of above, reference is answered in affirmative for want of proof. Consequently concerned workmen are not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 जनवरी, 1997

का. ग्रा. 321:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. डब्ल्यू. एम. उत्तर रेलवे लखनऊ के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-1-1997 को प्राप्त हुआ था।

[संख्या एल-41012/80/92-आई.आर. (डी.यू.)]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 17th January, 1997

S. O. 321.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of CWM, Uttar Rly., Lucknow and their workman, which was received by the Central Government on 6-1-97.

[No. L-41012/80/92-IR (DU)]

P. J. MICHAEL, Desk Officer

ANNEXURE

Before Sri B. K. Srivastava, Presiding Officer,
Central Government Industrial Tribunal-cum-
Labour Court, Pandu Nagar, Kanpur.
Industrial Dispute No. 70 of 1993
In the matter of dispute

BETWEEN

Assistant General Secretary,
Uttar Railway Karamchari Union,
39-II-J, Multistorey Colony, Charbagh,
Lucknow.

AND

Chief Works Manager,
Uttar Railway, Charbagh, Lucknow

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-41012/80/92 IR DU dated 26-9-93 has referred the following dispute for adjudication to this Tribunal :—

Whether the action of Chief Works Manager, Locomotive Workshop, Northern Railway, Charbagh Lucknow is not fixing pay by adding six increments and assigning correct seniority to Sri Phool Chand S/o. Sri Ram Khalasi is justified? If not what relief the workman concerned is entitled to?

2. The concerned workman Phool Chand in his claim statement has alleged that he was engaged as casual labour Khalasi on 26-6-81 by the opposite party, Northern Railway in Loco Workshop, Charbagh. He attained temporary status after completing 120 days in the grade Rs. 750-940. He had cleared the screening test and his name figures at Serial No. -88. Still instead of making regular his service were brought to an end abruptly on 10-6-86 in breach of Section 25 F of I.D. Act. The matter was carried before ALC(C). During conciliation proceedings

a settlement took place, according to which the concerned workman was to be reinstated with continuity in service. Instead of doing so the opposite party railway had given him fresh appointment and thereby have deprived the concerned workman of six increments and correct seniority had also not been accorded to him.

3. The opposite party has alleged that the concerned workman had obtained employment by making false declaration still the concerned workman was re-engaged in terms of settlement. He was empanelled on 27-10-87. He is not entitled for six increments as claimed.

4. In the rejoinder nothing new has been said.

5. There is copy of settlement dated 2-1-87. Para (i) of this settlement in unmistakably terms lays down that Phool Chand is to be re-engaged with immediate effect. There is copy of engagement letter dt. 7-1-87 on record which also shows that the concerned workman has been reinstated as casual labour, Khalasi the post he was holding prior to his discharge. Thus it will be wrong to say that concerned workman was re-engaged. Instead he has been reinstated. That shows that he would have been continued in service specially when the concerned workman after screening test was empanelled on 2-12-81. Its copy is on record the name of the applicant appears at Serial No. 88. When his name was already empanelled on 2-12-81 and the concerned workman was reinstated the action of the management in employing him again w.e.f. on 27-10-87 was not justified. Instead he should have been granted benefit of continuity of service. This certainly is an incident of reinstatement. Hence when concerned workman was reinstated w.e.f. 7-1-87 he was entitled for all six increments which have been claimed by him and he is also entitled for seniority.

6. Hence my award is that the action of the management in not granting six increments and not assigning correct seniority was not justified and he is entitled for all these benefits.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 जनवरी, 1997

का. ग्रा. 322.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डी. आर. एम. पूर्वोत्तर रेलवे, वाराणसी के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण, कानपुर के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 6-1-1997 को प्राप्त हुआ था।

[संख्या एल-41012/220/94-आई. आर.(की I)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 17th January, 1997

S.O. 322.:—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of D.R.M. Purvottar Rly, Varanasi and their workmen, which was received by the Central Government on 6-1-97.

[No. L-41012/220/94-IL(B-I)]

P.J. MICHAEL, Desk Officer

ANNEXURE

Before Sri B K Srivastava Presiding Officer
Central Government Industrial Tribunal Cum-
Labour Court, Pandu Nagar, Kanpur.
Industrial Dispute No' 56 of 1996
In the matter of dispute

BETWEEN

Shri Vijay Kumar
through Sri Vijay Kumar
Railway Q'No' M-T/50-A,
Purvottar Railway Colony,
Allahabad-211001.

AND

D'R'M'
Purvottar Railway,
Varanasi-221001.

AWARD

Central Government, Ministry of Labour, New Delhi, vide its notification no. L-41012/220/94-I.R.(B-I) dated 10-6-96, has referred the following dispute for adjudication to this Tribunal-

Whether the action of the management of N.E. Rly. in terminating the services of Sh' Vijay Kumar is legal and justified? If not, to what relief the concerned workman is entitled?

It is not unnecessary to give full facts of the case as after sufficient service workman has not filed claim statement. Hence the reference is answered against the concerned workman for want of prosecution and proof and concerned workman is not entitled for any relief.

B. K. SRIVASTAYA, Presiding Officer

नई दिल्ली, 17 जनवरी, 1997

का.आ. 323:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डी.आर.एम.एन. ई. रेलवे, लखनऊ के प्रबन्धन के पक्ष में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक

अधिकरण, कानपुर के पक्ष को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-1-97 को प्राप्त हुआ था।

[संख्या एल-41012/58/92-आई.आर. (डी.यू.)]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 17th January, 1997

S.O.323:—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of D.R.M. N.E.-Rly. Lucknow and their workman, which was received by the Central Government on 6-1-97

[No. L-41012/58/92-IR (DU)]

P.J. MICHAEL, Desk Officer

ANNEXURE

Before Sri B K Srivastava Presiding Officer Central Government Industrial Tribunal cum Labour Court, Pandu Nagar, Kanpur Industrial Dispute No' 79 of 1993 In the matter of dispute

BETWEEN

General Secretary Purvottar Railway Shramik Sangh
6 Navin Market Kaisarbagh Lucknow.

AND

Divisional Railway Manager
North Eastern Railway, Lucknow.

AWARD

1' Central Government, Ministry of Labour, New Delhi, vide its notification no. L-41012/58/92-IRDU [dated 24-9-93] has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of North Eastern Rly, Lucknow in terminating the services of Sri Santosh Kumar s/o Sri Shiv Ram ex. Carriage Khalasi w.e.f.28-5-86 is justified? If not, what relief he is entitled to?

2' The concerned [workman Santosh Kumar was engaged as Khalasi by opposite party N.E.R. on 17-7-77 to work in CDO Charbagh. He continued to work upto 27-5-86 for 875 days. He had completed more than 240 days in a year preceding his date of termination i.e. 28-5-86. As at that time no notice pay and retrenchment compensation was given the termination is bad.

3. The opposite party has filed reply in which it has been alleged that concerned workman was sent for medical examination and where he was found unfit therefore he was removed from service.

4. In the rejoinder nothing new has been said.

5. There is copy of certificate of physical fitness of date 9-2-86 on record which shows that concerned workman was found medically unfit. Thus it is established that concerned workman was removed because of the fact that he was found medically unfit. Proviso (C) of sec. 2 (oo) of I.D. Act which dealt that definition of retrenchment says that when termination of services takes place as a result of ill health it would not amount to retrenchment. In my opinion the case of the concerned workman is fully covered by this proviso. When he has been found medically unfit it means that he is suffering from such ill health which would incapacitate him from rendering service. Hence his case is not covered by the definition of retrenchment. Consequently he is not entitled for any benefit of section 25F of I.D. Act. As the termination has been challenged only on this ground my award is that termination of the concerned workman is justified and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 जनवरी, 1997

का.आ. 324:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ़ मैसूर, नई दिल्ली के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-1-97 को प्राप्त हुआ था।

[संख्या एल-12012/6/88-डी-3 (ए)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 17th January, 1997

S.O. 324:—In pursuance of Section 17 of Industrial Dispute Act, 1947 [(14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of State Bank of Mysore, New Delhi and their workman, which was received by the Central Government on 2-1-97

[No. L-12012/6/88. D-3(A)]

P.J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA: PRESIDING
OFFICER CENTRAL GOVT. INDUSTRIAL TRIBUNAL;
NEW DELHI

I.D.No.97/88

In the matter of dispute

BETWEEN

Shri Sunder Singh through Shri Dharam Singh Rawat,
80/6, W.E.A. Karol Bagh, New Delhi-1.

VERSUS

The Manager,

State Bank of Mysore,
Connaught Place Branch,
New Delhi.

APPEARANCES:

None for the workman.

Shri Rajender Saini for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/6/88-D-3(A) dated 7-9-88 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether action of the management of State Bank of Mysore, Delhi is justified in terminating the services of Shri Sunder Singh, watchman w/e/f 15-3-85? If not, to what relief the workman is entitled?"

2. The workman in his statement of claim alleged that he was appointed as Peon by the Management and posted at Connaught Place Branch where he worked upto 15-3-85. He did perform his duties honestly into the entire satisfaction of his officers. He was illegally terminated on 15-3-85 without any show-cause and by adopting the unfair labour practice by the management and in violation of the statutory provisions of the I.D. Act.

3. The Management on the other hand alleged that the workman was appointed as a temporary watchman and with a view to arrive at a settlement between the parties regarding the absorption of the temporary workman into permanent employment, the workman was called for interview for his selection. He was found unsuitable as he did not fulfil the eligibility criteria and was thus not selected for regular appointment. The services of the workman were never terminated on 15-3-85—claimant who had worked for 90 days and was given a chance for interview for selection. He was not found suitable at the time of interview and his employment came to an end automatically. The Management denied having violated any provision of the I.D. Act.

4. The Management in support of its evidence examined Shri T.B. Krishnamurthy, MW1 while the workman himself appeared as WW1.

5. I have heard representatives for the parties and have gone through the record.

6. The workman representative at the time of arguments had conceded that the workman was working at the S.B. of India on regular basis since 1988. A perusal of the cross-examination of the workman also reveals that persons were called from the Employment exchange and were given regular employment. Interview was conducted. These facts have been corroborated by the management in its evidence and the management have proved that he alongwith 33 others were called for interview where he could not qualify. In view of the fact that the workman could not qualify for the regular selection and he was in the employment of the S.B.I. on regular basis since 1988 I am of the opinion that the workman is not entitled to any relief in this case. Moreover, the workman has not come with clean hands. He had filed the statement of claim in 1989 though he had been in the employment of the S.B.I. since 1988 as admitted by him. He was not disclosed this fact in his statement of claim and has concealed this fact and has claimed full back wages with con-

tinuity of service. I am, therefore, of the view that the workman was not entitled to any relief. The action of the management was fully justified. However, I leave the parties to bear their own costs.

26th November, 1996.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 17 जनवरी, 1997

का.आ. 325—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया कानपुर के प्रबंधन के संबंध में निदेशित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-1-97 को प्राप्त हुआ था।

[संख्या एल-12012/128/93-आई आर (बी-1)]

पी.जे. माइकल, डेस्क अधिकारी

New Delhi, the 17th January, 1997

S.O. 325.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of SBI, Kanpur and their workmen, which was received by the Central Government on 2-1-97.

[No. L-12012/128/93-IR (B-1)]

P. J. MICHAEL, Desk Officer

ANNEXURE

Before Sri B. K. Srivastava, Presiding Officer,
Central Government Industrial Tribunal cum
Labour Court, Pandu Nagar, Kanpur.
Industrial Dispute No. 27 of 1994

In the matter of dispute

BETWEEN

Surendra Kumar Tripathi,
C/o. B. P. Saxena,
426 W-2, Basant Vihar,
Kanpur.

AND

The Regional Manager,
State Bank of India,
The Mall, Kanpur.

AWARD

1. Central Government, Ministry of Labour, vide its notification number L-12012/128/93.I.R.B.I. dated

21-3-94, has referred the following dispute for adjudication to this Tribunal :—

Whether the management of State Bank of India, Kanpur, is justified in rejecting the claim of Sri Surendra Kumar Tripathi for permanent appointment in Bank's service in terms of settlement dated 27-10-88 on the ground that he was underage on the date of his initial engagement? If not to what relief the workman is entitled?

2. The following facts are undisputed. The concerned workman Surendra Kumar Tripathi was engaged in sub staff cadre of the opposite party, State Bank of India at Kohukothi Branch, Kanpur. He worked there upto 3-10-83 for 69 days. At that time he had given his date of birth as 10-11-65. Thus obviously at the time of joining he was underage being less than 18 years. On 17-11-87 a settlement had taken place between the Management of S.B.I. and All India State Bank of India Staff Federation. According to this settlement, the persons who had served for 240 days in 12 months after 1975 and 70 days in continuous block of 16 calendar months were to be given an opportunity for appointment after holding test. Para (II)(i) of this settlement was in the nature of proviso to this settlement which runs as under :—

Those who did not fulfil the prescribed eligibility criteria on the date of their initial temporary appointment will not be given chance.

This agreement was substituted by an agreement dated 27-10-88 which is the foundation of the present dispute as referred to by Government of India. Since the concerned workman was ineligible at the time of entrance in service he was not afforded opportunity to appear in test. Hence the concerned workman has raised the present industrial dispute.

3. In the claim statement it has been alleged that the above mentioned proviso of the agreement is abnoxious and as such it should not be followed. Thus after overlooking this proviso the concerned workman having worked for 89 days was eligible for appearing in test. The management was not right in denying this right to the concerned workman.

4. The opposite party bank has filed a reply in which it has been alleged that this agreement was a result of free will of the parties which was arrived at after due deliberation. There is nothing absurd about the clause, the reference of which has been made in the claim statement. Hence, the concerned workman is bound by it. Accordingly at the very inception, the concerned workman was not eligible

for appointment, because of being under age, he was rightly denied the right to appear in test.

5. In the rejoinder nothing new has been said.

6. Thus the only point which calls for determination is whether Para (II)(i) of the agreement as quoted above should be ignored. None of the parties have filed any evidence. Only copy of two settlement have been filed. The management has further filed an application of the concerned workman to prove that the concerned workman was under age on 3-10-83 when he entered in service.

7. It has been urged on behalf of the concerned workman that above mentioned clause is "abnoxious". When I inquired from him as to what he means by this word. His reply was that this proviso was unreasonable and placed undue restriction on the right of the concerned workman. I am not inclined to agree with this contention. There is no dispute that the settlement was arrived at after due deliberation and in the outcome of free will. This proviso instead of being unreasonable appears to be quite just and proper. It has been incorporated to exclude those cases in which the employment have been procured due to collusion between the candidate and the manager concerned and also to safeguard the interest of bonafide deserving candidates from outside. Further it is not against public policy as given in Section 23 of Contract Act. It also does not place any undue restriction on the rights of the parties. Hence I come to the conclusion that provisions of this proviso are not abnoxious and the concerned workman is bound by it. Hence the management was quite within its right to deny the right of appearance in the test of the concerned workman by invoking the above mentioned proviso of the agreement.

8. In the claim statement termination has also been challenged because of breach of Section 25C and M of I.D. Act. Since it is beyond the scope of reference and also because no evidence has been adduced on this point, this issue is also decided against the concerned workman.

9. In the end my award is that the management was justified in not providing employment to the concerned workman in terms of proviso of settlement dated 27-10-88 and the concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 21 जनवरी, 1997

का०आ० 326 :—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 45-अ के खण्ड (क)

द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद् द्वारा कर्मचारी राज्य बीमा निगम, क्षेत्रीय कार्यालय, असम के क्षेत्रीय निदेशक, उपनिदेशक और सहायक क्षेत्रीय निदेशक को उक्त अधिनियम की धारा 45-अ से धारा 45-ज के प्रयोजनों के लिए असम राज्य के लिए, उक्त अधिनियम के उपबंधों के अधीन शामिल सभी कारखानों/प्रतिष्ठानों के सम्बन्ध में तत्काल प्रभाव से "प्राधिकृत अधिकारी" की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

[सं० एस-38025/1/97-एस एस-1]

जे०पी० शुक्ला, अवर सचिव

New Delhi, the 21st January, 1997

S.O. 326.—In exercise of the powers conferred by clause (a) of Section 45-I of the Employees State Insurance Act, 1948 (34 of 1948), the Central Government hereby authorises the Regional Director, the Deputy Director and the Assistant Regional Director of the Employees' State Insurance Corporation, Regional Office, Assam to exercise the powers of the "Authorised Officer" for the purposes of Section 45-C to 45-H of the said Act with immediate effect for the State of Assam in relation to all factories/establishments covered under the provisions of the said Act.

[No. S-38025/1/97-SS.I.]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 21 जनवरी, 1997

का०आ० 327 :—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 45-अ के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा कर्मचारी राज्य बीमा निगम, क्षेत्रीय कार्यालय, असम के उप निदेशक को उक्त अधिनियम की धारा 45-अ से धारा 45-ज के प्रयोजनों के लिए असम राज्य के लिए, उक्त अधिनियम के उपबंधों के अधीन शामिल सभी कारखानों/प्रतिष्ठानों के सम्बन्ध में तत्काल प्रभाव से वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

[सं० एस-38025/1/97-एस एस-1]

जे०पी० शुक्ला, अवर सचिव

New Delhi, the 21st January, 1997

S.O. 327.—In exercise of the powers conferred by Clause (b) of Section 45-I of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby authorises the Deputy Director, Employees' State Insurance Corporation, Regional Office, Assam to exercise the powers of the Recovery Officer for the purposes of Section 45-C to 45-H of the said Act with immediate effect for the State of Assam in relation to all factories/establishments covered under the provisions of the said Act.

[No. S-38025/1/97-SS.I.]

J. P. SHUKLA, Under Secy.